

EXTENSIONS OF REMARKS

BILTMORE ESTATE IN ASHEVILLE,
NC

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TAYLOR of North Carolina. Mr. Speaker, I had the pleasure last week to participate in a symposium conducted by the historic preservation task force, cochaired by my colleagues, Congressman ALEX McMILLAN and Congressman ANDY IRELAND, that examined private sector solutions to the preservation of historic sites.

I had the honor of introducing one of my constituents, Mr. William A.V. Cecil, the president of the Biltmore Co., which owns and operates the Biltmore Estate in Asheville, NC.

The centerpiece of the Biltmore Estate is the Biltmore House, a national historic landmark and the largest private residence in the United States since its completion in 1895.

While the incomparable beauty of the Biltmore House and the estate are a fitting legacy to George Vanderbilt's genius, it is Mr. Cecil's visionary handling of the estate's affairs that most interested the task force. With Mr. Cecil's guidance, the Biltmore Estate remains privately owned, yet is completely self-sufficient, receiving no governmental funding of any kind.

I am pleased to share Bill Cecil's insightful testimony before the historic preservation task force detailing the Biltmore Estate's continued and unprecedented success:

TESTIMONY OF MR. WILLIAM A.V. CECIL

Biltmore House is the largest private home in the United States. With 250 rooms, the floor space covers approximately four acres. The house resembles a French chateau on the Loire and was designed by architect Richard Morris Hunt. It took five years to build and was completed in 1895. The grandson of "Commodore" Cornelius Vanderbilt, George Vanderbilt—who was my grandfather—built it. Biltmore House includes my grandfather's collection of art and antiques and the original furnishings. Biltmore Estate, which originally consisted of 125,000 acres near Asheville, North Carolina, was named a National Historic Landmark in 1963. Formal and informal gardens and grounds were designed by landscape architect Frederick Law Olmsted. Biltmore was also the site of the first school of scientific forestry in the country.

The Biltmore Company is a "Sub S" Corporation. I am the major stockholder. My children and my wife each own one non-voting share of stock. Biltmore was first incorporated in 1930 and changed its status in 1982 to take advantage of the Sub Chapter "S" benefits. Biltmore has been open to the public since 1932, when my parents responded to the requests of the county and city. The requests were spurred by the Great Depression and the idea was that opening the house would stimulate tourism in the mountains.

The house was opened during the decade of the Depression but closed when World War II

began. During that time, Biltmore was not open to the public—instead, it became a place of safekeeping for artworks from the National Gallery. When Biltmore re-opened in 1946, attendance was 36,497 and our total admission revenues were \$67,343. I returned in 1949 to the United States after serving in the British Royal Navy. I graduated from Harvard and went to work at Chase Manhattan Bank, first in New York and then, in 1956, in Washington.

By 1959, it became evident that if Biltmore was to have any chance at survival, I would have to take up my share of the problems which it faced. In 1960, attendance was 63,715 and total income had risen to \$149,900. Differences were made up by Biltmore Dairy Farms, another wing of the Biltmore Company, run by my brother. The dairy had really always carried the house, which in 1960, was losing a hefty \$250,000 annually.

It was my hope that by the grace of God, hard work, and good fortune, Biltmore would one day break even and that the dairy would continue to be profitable. In 1960, that was the best that could be hoped for. Indeed, the mood in the preservation community was, and to a large extent still is, "It can't be done." This attitude irritated me. I could not believe that less than 50 years before, the Estate was a profitable operation, set up way before its time—and now, had no hope of success. I was, of course, ignoring tax problems, changes in wages, the multiplying effects of inflation, and eventually, the devastation of inheritance taxes.

Still, we worked hard and in 1968, we crossed the Rubicon, I made \$16.34. The amount may seem small, but it was a long way from 1960 when we were losing \$250,000 per year. We now had 168,000 visitors per year and were growing at an average rate of 7 percent annually.

However, by 1979, my brother and I, in order to accommodate both our families as well as to facilitate estate planning, split the company into two parts. My brother took the dairy, its outlying distribution centers and about 3,500 acres on the periphery of the property. I took the house, its contents and 8,000 interior acres. I don't think either of us understood how difficult the problem of Biltmore's infrastructure and maintenance would be.

I also don't think that the general public understood the challenges facing us. While the families of Vanderbilts, Rockefellers, Carnegies and Mellons still exist in the United States, many of us are the grandchildren of grandchildren, normal people trying to preserve properties of historic significance as well as familial significance. Many of us inherited these properties without the funds necessary to preserve them. What we inherited instead was the responsibility to take care of what was left us. I have no secret bank accounts, nor do I receive governmental funds or subsidies. Instead, Biltmore is a full-fledged tax payer, a contributor to the economy, rather than a beneficiary of the system.

Since my grandfather died in 1914, nothing much had been done to maintain the infrastructure of the property. In 1960, when I returned, much was in need of attention.

Waterlines which had broken during the Depression had been cut off, awaiting better days for repair. The structure had been well-built and was, in fact, an incredible feat of engineering beneath its beauty. In addition to the problems of infrastructure, the interior of Biltmore as well as the objects in the collection needed refurbishing and conserving.

It became clear that our ability to keep up with these badly needed preservation projects corresponded directly with our ability to generate revenues through our guests. Our marketing sense and our sensitivity to the tourism marketplace became key to our progress in the field of preservation. Marrying preservation and business was relatively unheard of at the time; needless to say, I was again challenged quite often by the conviction of others that "it couldn't be done." And again, I found that attitude inspired me to prove them wrong.

Responding to requests from our guests, we began to open more of Biltmore House to the public and found that as this policy was implemented, we needed to restore rooms to their original splendor. This, of course, accomplished both our business objectives as well as our preservation objectives.

To do this, we hired specialists, seeking them first in the U.S. and when we could not find trained decorative painters here, bringing them in from Europe. Incidentally, an offshoot of this policy led to the establishment in 1988 of the first class of decorative arts at Asheville-Buncombe Technical College. We had the City and Guilds of London assist the school in preparation of curriculum, appointment of the instructor and supervision of the examinations. The end result was that 85 percent of the first year students, after a year in the real world, are now back at AB Tech studying for their advanced craft certificate.

Parallel to our decorative work and preservation at Biltmore, it became obvious that our collection of 16th century Flemish tapestries also needed conservation. Again, we searched for experts and this time found them both in the U.S. and in Britain. We devised tanks to wash, rollers to hold and needles to stitch. Perhaps one of the most intriguing outcomes of this project has been the computer controlled dye process which has been developed at Biltmore and has caused widespread interest in this highly specialized field. In addition, we are currently carrying out this extensive project inside Biltmore House, which is something quite rare. Apart from the benefits of preserving these important tapestries for years to come, we also find that the project generates a great deal of interest from the public.

We also have on-staff furniture conservators, experts from Germany and England, who understand the intricacies of hand drills, old-fashioned wood planes, hand saws, inlay veneers, gold leaf and leathers. We have an active archival management program within our curatorial department, documenting the present, organizing and analyzing documentation of our past. Last year, our conservators and curatorial staffs worked together with weavers in France

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(working for the same company my grandfather used a century earlier) to replace silk cut brocade in my grandmother's room.

We have converted and consequently preserved the stable area adjacent to Biltmore House, transforming the space where my grandfather once housed his fine horses and carriages into display areas, a retail shop and a small café. We turned a Hunt calving barn into a large restaurant offering fine cuisine and our own Biltmore wines. We established a major vineyard and the adaptive reuse of a second original Hunt barn into our winery. To give you an idea of the size of this undertaking in 1985, our bankers extended upwards of \$15 million for its implementation.

And, of course, there are the trees, shrubs, flowers and grasses, which all have a disturbing habit of growing and therefore requiring trimming, limbing, changing and cutting. Preserving Olmsted's work is the mission of our landscaping and operations departments and includes the maintenance of about 75 acres of formal and informal gardens; the care of the Approach Road, Biltmore's driveway, which is about nine miles long; and the upkeep of over 12 miles of paved roads on the estate.

To this point, I have not mentioned the cattle and other farming endeavors which constitute a significant part of the Biltmore heritage. Nor have I mentioned the fact that meanwhile, the clocks have to be repaired, wiring has to be replaced, leaks and plumbing taken care of, and heating and humidity controlled. The list is almost limitless and is perhaps best illustrated by the fact that we have over 200 different job descriptions. We now employ over 500 people, of whom approximately 350 to 400 are full-time, permanent employees. Our total payroll is approximately \$6 million.

But it is the whole—the end result of all of this hard work—which our guests help support. And it is the whole, the end result, which we all work to preserve for future generations. Good preservation is good business and vice versa.

If all the projects are going so well, why are we testifying that help is needed? A quick emplacement.

With the exception of Biltmore, to my knowledge, not one single entity is making both expenses and income meet. Biltmore would be in the same boat if it relied on admissions as its only source of total income. Admissions provide 54 percent of income at Biltmore. The remaining 46 percent comes from retail sales of food, gifts, souvenirs and wine. It is my understanding that most properties open to the public range from nominal to 15 percent of income from admission. In the nonprofit areas, either the foundation, the members, or the government, through various grants, make up the difference. In the government-run properties, the government—be it state, federal, or local—make up the difference. Biltmore receives no grants, gifts, or governmental subsidies since "for profits" are ineligible, even if one is a National Historic Landmark.

Conservative estimates are that annual costs in our nation's properties run by state, local or federal government authorities range in the neighborhood of \$500 million per year, excluding capital costs and loss of property taxes. I must emphasize that Biltmore is in the top ten of the largest taxpayers in Buncombe county and pays all property taxes, re-valued every four years. Furthermore, all the capital expenses enumerated above are paid with after tax monies as required by law.

So again, why do we testify? Inheritance tax, pure and simple, is the main reason. There may be problems with property taxes, but these should be fairly simple to resolve on the local level.

The 1986 tax reform went a long way to help the average preservationist. By average, I mean the family that has a normal, 2,000 to 4,000 square foot house. This type of house, not opened to the public and quite livable if modernized, no longer should be in danger of disappearing. The New Hampshire towns and villages, the small Jamestown properties, the New Orleans homes, and all others of similar size and use will continue and survive.

But the few large properties of national significance cannot survive the onslaught of death taxes which occur every 20 to 40 years. There are many reasons for this, but I will illustrate with just two:

First, the cash flow, even at Biltmore, would not be sufficient to pay the IRS, even on an extended schedule. Too much, as you have heard today, must be reinvested in the property.

Second, the very act of reinvestment has and does, under the present law, raise the value of the property. We are caught in a classic "Catch 22." Under the National Landmarks Program, we are meant to "preserve and protect" the property since it is of national significance. However, if this is to be done, the value of the property is considered to be greater than before the investment, due to the enhancement in value in preserving the property. Unlike an office building, a structure and its surrounding lands are always considered by the tax authorities to have gained value. The older it gets, the more rare it becomes, the more valuable it is—because it becomes more and more rare.

The necessity of reform is most visible in the areas of governmentally run and owned structures. Attached as part of my statement are press clippings showing that funding is not being made available to many structures. I have referred to the estimated annual cost to the taxpayer of structures already in government hands and responsibilities.

While I cannot deny that most of our social ills of poverty, disease, crime and illiteracy must take precedence to replacing a roof, mowing a lawn or repairing a 17th century sofa, I must point out that the programs enacted by the government have given the government the responsibility to preserve, protect and maintain these structures. According to Title 16 U.S. Code Section 461, "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." And again, in Title 16 U.S. Code Section 462(f), policy states that the Secretary of the Interior has the duty to "restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith." But the burden on the federal government to follow such policy is increasingly difficult. A case in point is illustrated by 1988 data indicating that deferred maintenance on the Roosevelt House and Vanderbilt Mansion at Hyde Park was \$20 million. In Philadelphia, Independence National Historic Park last year closed eight buildings because of lack of maintenance funding. While this is a federally owned property of national historical significance, it also represents, of course, an impor-

tant chapter in Pennsylvania state history. Consequently, this example also illustrates the problem at state government level: The Commonwealth of Pennsylvania, which, under Section 27 of Article I of the Constitution of Pennsylvania makes the Commonwealth trustee for the preservation of the historic values of the environment. Policy states: "The irreplaceable historical, architectural, archaeological and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations." Understand that I do not mean to pick on any one state; I believe all states are doing all they can to preserve their historic properties. But the fact is that the governments—at federal, state and local levels—all face their own "Catch 22." Welcome to the club.

While reforms may not help properties and structures already in the hands of government and non-profits, they could well stop the red ink from increasing in the future, at least as far as new properties are concerned. The cost will increase for properties nominated for preservation in the future. And I suspect the government or the non-profits will be reluctant to take responsibility, even if there is an endowment sufficient to carry the property at the time of nomination.

To be positive and I believe realistic, the following might point the way to the future handling of National Landmarks, Sites and large Register properties.

For many years, I have thought that the National Landmarks, Sites, and Register programs have been insufficient in achieving the objectives they were created to solve. In recent years, the National Register programs have, in many cases, accommodated a very large number of houses nationwide. Still, there are no financial involvements. This has become an easy way to accommodate a local citizen. A plaque and a promise to protect as much as possible is, in most cases, all that is required if the structure meets the basic goals of 50 years of age and whatever "architectural merit" means.

To be effective, I would suggest a revision of these programs to accommodate today's and particularly tomorrow's needs.

First, create a classification program wherein the highest benefits go with the highest responsibilities to the highest classification. The lowest benefits with the lowest responsibilities go to the lowest classification. I would suggest classifications from I-V or perhaps from I-III, although more important than the number would be the description and requirements of each classification.

Since it is obvious that the number one classification would be the most stringent, let us overview some possible benefits and responsibilities. For example, the following could be some of the requirements of a number I classification:

First, the property would be substantial in value and not be covered by the present tax laws in an effective manner.

Second, the property would have to be of national importance and so designated by the appropriate authorities.

Third, the property would have to be open to the public on a full-time basis.

Fourth, the property would have to be managed by professionals, whether they be owners, which would be preferable, or outside professionals.

Fifth, the collection, infrastructure, structures, and appropriate lands would have to be maintained to standards.

Now let us turn to some of the enabling "benefits" which could accrue to the classified structures:

First, property taxes would enjoy a special category called perhaps, "National Classified Structure and Land Use." This would or should help guard against unrealistic high valuations and could cite as precedent the farm designations already in existence.

Second, inheritance taxes would be calculated at each change of ownership by death, thus establishing a new basis for calculations. However, the taxes found due and owing would be deferred until such time as the structure, its component lands, and its contents would no longer conform to the classification entitling them to this deferment. This contemplates transfer of the property at death to the heirs.

Third, in case of sale by the owner to a willing buyer, the owner would be liable for taxes due under normal methods of calculations.

Fourth, taxes would be recoverable on a rolling three-year basis if the property is sold or removed from its category by the owner but subject to any inheritance or capital gains taxes due under this or the foregoing point.

Fifth, the owner and the governing authorities must agree that the property continues to conform to the classification status to which it is assigned. Properties not conforming may lose their status if the deficiencies are not made whole within a specified time.

Sixth, properties losing their status may be assigned a lesser classification and then have lesser benefits and lesser responsibilities.

Seventh, likewise, properties may, upon qualifying, be reclassified to a higher category should the owners and the authorities agree that the structures and their surroundings and contents now so qualify.

Without some examination and restructuring of current systems, it seems unlikely that many of our historic properties will survive our country's 300th year. I would like to thank Congressmen McMillan and Ireland for inviting me to participate today; as well as Congressman Charles Taylor representing my home district in North Carolina. I would ask that this task force consider these options; and I look forward to the future actions resulting from today's symposium.

ALBANY TIMES-UNION EDITORIAL WARNS US ABOUT SUBSIDIZING SOVIETS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SOLOMON. Mr. Speaker, too much of our foreign policy is driven by wishful thinking, and this is particularly evident in our handling of the Soviet Union.

We are determined to paint Mr. Gorbachev as a Western-style liberal, and we ignore mounting evidence of the brutal, Soviet-style crackdowns in the Baltic, as well as the continued military buildup that still threatens the West.

But there are some voices crying in the wilderness, one of which I submit for today's RECORD. It is a June 7 editorial in the Albany Times-Union, and it argues persuasively

against our bailing out, yet one more time, a regime that has been kept alive with Western capital. I urge all members to read it.

[From the Albany Times-Union, June 7, 1991]

MONEY FOR MOSCOW?

Mikhail Gorbachev, after a hiatus during which he played the unreconstructed Bolshevik, is back again playing at reformer. His first act in his reassumed role was to ask the West for untold billions in order, he said, to help insure the success of perestroika. What's is good for the Soviets, he has said, will also be good for the West.

Well, maybe.

Before we rush to the bank to underwrite these putative "reforms," however, we might also consider that any money we send over there will just as likely underwrite the Soviet military machine. As astounding as it is to believe, for all the talk of a post-Cold War era in the U.S.S.R., the Soviets still spend nearly 25 percent of their Gross National Product on the military.

Only a few weeks ago Soviet generals defended such expenditures on the basis that though the U.S. spends only about 6 percent of its GNP on defense, that 6 percent buys a lot of military hardware.

The U.S., however, is very likely dismantling its military at a far faster rate than Moscow, even though the latter, given its economic circumstances, should be leading the race to disarm.

Before we give the Soviets any grants, loans or credits, we should insist on two things. First, that none of our money is used to support the Red Army. That will mean, in effect, a huge reduction in military spending.

Second, we should first see concrete evidence that Moscow—that is, Mr. Gorbachev—is genuinely sincere about moving his economy in the direction of a free market. It should not be enough that we hinge our aid on specified moves toward a market economy. Rather we should insist on something like the Polish Way—an official acceptance of a dominating private sector economy along with the moves (convertible currency, privatization, for example) that unmistakably demonstrate a commitment to that creed.

At this point, after Mr. Gorbachev's mysterious retreat for several months from reform, after Moscow's alarming pro-Iraqi stances during the Persian Gulf war and after its evident refusal to reduce its military, we should be eminently cautious about underwriting their future.

A TRIBUTE TO MR. MAXIMILIAN BOESE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. KOSTMAYER. Mr. Speaker, I rise today to pay special tribute to the Fulbright exchange teacher Maximilian Boese of Potsdam, East Germany.

Mr. Boese was chosen by the cultural attaché of the American Embassy in East Berlin in May 1990 to be one of three East German teachers in the United States. This was the first exchange program of its kind between the United States and East Germany.

For the past 10 months, Mr. Boese has been teaching German language classes at

the Pennsbury High School in lower Bucks County.

Mr. Boese witnessed first hand the oppressions of the Berlin Wall when it was built and lived in its shadow for 28 years. Only as a result of the dramatic reformations which brought the wall down was Mr. Boese able to fulfill his life-long dream of coming to America.

After almost three decades of living in a divided Germany, Mr. Boese, from his temporary home in the Pennsbury School District, watched in near disbelief as the two Germanys united after 45 years of being apart.

I am proud to have this opportunity to publicly thank Mr. Boese for sharing his skill and experiences with the youth of my district. I know that his positive impact on Pennsbury High School will long be remembered.

CIVIL RIGHTS BILL: A PROVEN NEED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TOWNS. Mr. Speaker, I rise today to again sound the need for a civil rights bill. Events are occurring nationwide which demonstrates the necessity for this action. Today I stand stronger than ever before. Racial injustice on all levels is continuing to plague our Nation; establishing civil rights is more than a public want, but a proven need. Skeptics proceed to argue this bill is unnecessary, but a recent article depicting an attack on a black youth displays that he was beaten solely because of the color of his skin. I would like to commend this New York Times op-ed by Anthony Lewis to my colleagues' attention.

[From the New York Times]

THE COLOR OF HIS SKIN

(By Anthony Lewis)

White Americans are impatient with the idea of special concern for the problems of blacks. So the polls tell us, and so the political climate indicates.

The raw racial prejudice that once disfigured this country has been overcome, we are told. Blacks do not need extra help, and anyway providing it causes resentment. It is time they made it on their own.

I thought of those current truisms as I read the story of Jermaine Ewell. He is black, a 17-year-old who just finished his junior year at Lawrence High School in Long Island, N.Y.

From all accounts he and his family are models of effort and achievement. Jermaine has been a football and track star at Lawrence High. Only about 10 percent of the students are black; Jermaine had white and black friends. Lisa Sharek, a classmate, said: "He's so quiet. He's so great. He never did anything to anybody."

On Saturday night, June 1, Jermaine went to a graduation party in Atlantic Beach, a shore community not far from Lawrence. He was talking with a friend, a young white woman, when four slightly older white men came up. One of them said to the woman: "Are you with that nigger?"

Others intervened. The tension seemed to ease. The four strangers went away. After a while the party broke up, and Jermaine went out to the Atlantic Beach boardwalk.

He was sitting on a bench, looking at the ocean, so he did not see the four men approach him from behind. They had bats. One hit him on the right side of the head. As he lay senseless on the ground, the others smashed at him.

Two other men who had been at the party, Stephen Lieberman and Tony Franzese, saw what was happening and intervened. They fought the attackers, who eventually left. They may have saved Jermaine Ewell's life.

What kind of life it will be is a question. The next morning doctors operated on Jermaine to remove blood clots from his brain. For days he was in critical condition. It remains to be seen whether he has permanent brain damage.

The police arrested four men and charged them with a racially motivated assault. The one who called Jermaine "nigger," they said, was a Lawrence High graduate from Atlantic Beach, Shannon Siegel. The others were friends of his from Queens.

Neighbors of Shannon Siegel's in Atlantic Beach denied that he was a racist. In fact, students at Lawrence High said he had hung around with blacks in school.

Maybe all that is true. Maybe Shannon Siegel was drunk when he went up to that white young woman and insulted Jermaine Ewell. If the police are right that he went on to make the murderous attack on Jermaine, maybe he was drunk then, too.

But if it is true, it makes no difference to the reality of this terrible story: the racist reality. Even someone who had black friends had buried inside him a hatred that could burst out in murderous form.

Jermaine's mother, Ernestine Ewell, said: "His life is over, unless you have an in with God and know to wake him up. . . . His life is gone because of the color of his skin."

No one can measure how much racial hatred continues to exist in the United States. But prejudice? Assumptions of inferiority? Not many white Americans can look inside themselves with honesty and say there are no such feelings.

That is what black Americans have to live with, all the time, all their lives: the awareness of disregard, of suspicion, of prejudice, perhaps of hate. And that is why American society cannot rightly call its conscience clear, its job of reconciliation ended.

Our political leaders especially have an obligation to do what they can to lead the country away from racism. Which is why I think there can be no worse political sin than making an issue of Willie Horton or trying to take divisive partisan advantage from a civil rights bill.

President Bush is not uninformed on these matters, not ignorant. He has been a personal contributor to black causes for years. His contribution now should be leadership.

President Kennedy did not at first press civil rights issues. But when ugly attacks took place in Alabama in 1963 he responded with a speech to the nation that made a difference.

"We are confronted primarily with a moral issue . . .," Kennedy said. "I hope that every American, regardless of where he lives, will stop, and examine his conscience."

A TRIBUTE TO COL. JAMES E. McARDLE, JR.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Col. James E. McArdle, Jr., upon his retirement from the U.S. Air Force on August 1, 1991.

Born in LaCrosse, WI, in 1943, as the oldest son of a career Federal Bureau of Investigation Special Agent, Col. Jim McArdle attended seven elementary schools and two high schools before entering the U.S. Air Force Academy in 1961. The class of 1965's outstanding graduate in behavioral science, he entered the first Air Force undergraduate helicopter pilot training program at Randolph Air Force Base and Sheppard AFB, TX, graduating at the top in his class, and earning the Air Training Command Commander's Trophy. Assigned, as one of the very first second lieutenants in the Republic of Vietnam in 1966, to the 20th Helicopter Squadron of the 14th Air Commando Wing, he earned the distinguished Flying Cross, four air medals, and the Air Force Commendation Medal.

Upon his return to the United States in 1967, he was part of the original cadre of the 703d Tactical Air Support Squadron [TAC] at Shaw AFB, SC, again flying the CH-3 helicopter. After 3 years of training helicopter pilots to operate in the Southeast Asia combat environment, and helping to form the 21st Helicopter Squadron and send it to Vietnam, he returned to Randolph AFB, TX, in 1970 for dehelicopterization.

As a graduate of T-38 advanced flying phase of undergraduate pilot training, he was assigned to Williams AFB, AZ, in 1971, serving first as flight commander of a T-38 training flight. He subsequently served as chief of the check section, responsible for all T-38 pilot flying evaluation, and as assistant chief of current operations [Airspace Management] for the parent 82d Flying Training Wing.

From 1974 to 1977, Colonel McArdle was assigned to Detachment 255, Air Force Reserve Officer Training Corps, at the University of Iowa. In that capacity, he supervised over 110 Air Force Reserve Officer Training Corps cadets and served as an AFROTC area admissions counselor, visiting every possible high school and junior/community college in the States of Iowa and South Dakota. In that capacity, he was able to motivate sufficient students to enroll in Air Force ROTC to take the detachment off official Air Force probation in 2 years.

In 1978 and 1979, he served as operations officer of Detachment 13, 33d Aerospace Rescue and Recovery Squadron at Osan Air Base, Republic of Korea. In that 12-month period, detachment aircrew members saved more than 80 lives, with Colonel McArdle personally saving 29 lives, including two from an island only six miles from the coast of North Korea. He also earned Air Force-level recognition—The Mackay Trophy—for the Most Meritorious Air Force Flight of 1979 for his part in leading the rescue effort for 27 Taiwanese sailors trapped on a sinking freighter.

At Scott Air Force Base, IL, from 1979 to 1981, he served the headquarters, aerospace rescue and recovery service, as an air operations staff officer, responsible, first, for developing combat rescue tactics and managing all aerospace rescue and recovery service participation in Air Force and joint service exercises around the world. In 1981 and 1982, he served as chief of the operational requirements division of the headquarters, responsible for all planning and programming, and studies and analysis required to enable aerospace rescue and recovery service to develop and procure new aircraft with which to meet Air Force and Department of Defense taskings for combat rescue and special operations capabilities; both the MH-53J and MHHH-60G helicopters are currently in active Air Force use.

The operations officer of the 67th Aerospace Rescue and Recovery Squadron at Royal Air Force Base—Woodbridge in the United Kingdom, from 1982 to 1984, he supervised three detachments. With four kinds of aircraft in four countries, and nine types of aircrew members, the unit was able to achieve the first Air Force in unit qualification in the difficult and, at that time, somewhat dangerous night vision goggle combat tactic.

Colonel McArdle served as commander from 1984 to 1986 of the 41st Aerospace Rescue and Recovery Squadron at McClellan AFB, CA, the only rescue squadron in the Air Force tasked with primary special operation support. During that time period, the men and women of that unit achieved numerous firsts including its achievement as the first Air Force unit to meet taskings for the full number of night vision goggle-qualified aircrews required for combat and contingency use. Following that tour, he served as assistant deputy commander for operation, and then as deputy commander for operations, for the largest and most diverse wing in the aerospace rescue and recovery service, the 41st Rescue and Weather Reconnaissance Wing at McClellan AFB. During that time, Colonel McArdle conducted one of the longest and most complex aircraft accident investigations in the aerospace rescue and recovery service, and served as mission commander for numerous rescue and special operations exercise deployments, responsible for aircraft and aircrews from his own wing as well as those from other rescue and nonrescue wings.

In 1988, Colonel McArdle became McClellan Air Force Base's inspector general. In that capacity, he led the equal employment opportunity complaints office to the highest complaint resolution rate in Air Force Logistics Command. As director of personnel, subsequently renamed human resources, beginning in 1989, he was a leader in implementing total quality management principles and practices at McClellan. He played a key role in developing the "Team Building" model—designed specifically to bring about the cultural change managers need to enable to empower their employees—currently being used to train the entire Sacramento Air Logistics Center work force. He secured the extra staff to teach every McClellan employee the basic total quality management courses for employees and supervisors.

Throughout his career, Col. Jim McArdle personified the professional dedication and integrity of the U.S. Air Force officer corps, matching concern for each Air Force member and his or her family, with an intense commitment to accomplishing the Air Force mission.

Colonel McArdle and his wife, Jane, have two daughters and one son. They plan to remain in the Sacramento community.

Mr. Speaker, I join Colonel McArdle's colleagues from the Sacramento Air Logistics Center and McClellan Air Force Base, his family, and his many friends in the civilian community in commending the tremendous contributions he has made in the service of his country. I would like to extend my best wishes for the future to Colonel McArdle and his family.

MEMORIAL TRIBUTE TO FREDERICK B. ABRAMSON, PAST PRESIDENT, DISTRICT OF COLUMBIA BAR

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Ms. NORTON. Mr. Speaker, I rise to pay tribute to one of the District's brightest and most respected legal stars, whose light was taken from us at his passing on June 1, 1991. It is rare for the bar's ranks to be flattered with a member of such ability, integrity, compassion, and devotion to service. Frederick B. Abramson spent most of his career at the private bar, but his unusual devotion to our city, to civic matters of importance, and to the law mark him as a public man of distinction.

Paul L. Friedman, who followed Frederick Abramson as president of the D.C. Bar, described Fred's life and contributions in a particularly noteworthy and sensitive statement before the Superior Court of the District of Columbia. I insert his statement in the RECORD:

REMARKS OF PAUL L. FRIEDMAN

May it please the Court.

I am Paul L. Friedman. I appear today with the sad duty of formally advising the Court of the death of Frederick B. Abramson on June 1, 1991. I do not have to tell this Court what a loss to the courts of the District of Columbia, to the Washington legal community and to the broader Washington community we all feel at the death of Fred Abramson.

Fred was born in New York City, attended Stuyvesant High School for the academically gifted and then received a scholarship to finish his last two years of high school at Cornwall Academy in Connecticut where he was the first black student. He then went to Yale University on a scholarship, where he was one of only four blacks in the class. He graduated from the University of Chicago School of Law.

Two years later, he came to Washington, D.C. where over the next thirty years he made enormous contributions to the law, to the courts, to the fabric of our legal community and to the literally hundreds of friends he made and people he helped along the way.

Fred first was an attorney in the Civil Division of the U.S. Department of Justice. He spent a substantial amount of his time writing briefs and arguing cases in the federal

courts of appeals around the country. Writing was his first love. He originally had wanted to be a writer or an English teacher. For anyone who has ever read a brief that Fred wrote, his president's page during his term as president of the D.C. Bar, a thank you note or a birthday message, you know that he wrote eloquently, with clarity, reason and compassion.

After serving as Special Assistant to the Chairman of the U.S. Equal Employment Opportunity Commission, Fred became an associate at Arnold & Porter, a partner in the firm of Rollinson & Schaumburg and then, in 1977, a partner in the firm of Sachs, Greenebaum & Taylor where he remained until last December. There he handled a wide variety of litigated matters, representing clients in this Court and other courts and before agencies of the District of Columbia. As a practicing lawyer, Fred's word was his bond and his judgment was sought by people in all walks of life.

Since January of this year, Fred Abramson served as D.C. Bar Counsel, where it was his responsibility to supervise the investigation of complaints against lawyers who may have violated the Rules of Professional Conduct and to assure that both the complainant and the respondent lawyer received fair treatment. Fred's own personal commitment to the highest standards of our profession and to lawyer ethics made Fred the perfect choice to lead the Office of Bar Counsel. Joan Goldfrank, Executive Attorney to the Board on Professional Responsibility, and members of Bar Counsel staff are present in court today. It is a great shame that we only had the benefit of Fred's leadership as Bar Counsel for such a short period of time.

Fred Abramson made so many contributions to the legal community. He was President of the District of Columbia Bar. He served on the boards of numerous public interest organizations, including the Washington Lawyers Committee for Civil Rights under Law, the D.C. Public Defender Service and the National Women's Law Center. He was a member of the American Bar Association Standing Committee on the Federal Judiciary and the ABA Commission on Opportunities for Minorities in the Profession. Most recently, he had been serving as Chairman of the Board of Trustees of the District of Columbia Law School.

Beyond all of these contributions, in his quiet, unobtrusive and caring way, Fred was a mentor to generations of young black lawyers. He never forgot that doors were often closed to him when he first arrived on the legal scene, and he vowed to help others. He was an advisor and mentor to so many minority lawyers now in their 30's and 40's who have had the opportunity to make their mark largely because of Fred's encouragement, advice and tangible assistance. There are countless stories of Fred Abramson's having sent someone's resume to a friend or making a phone call to recommend a young black lawyer for a job. And Fred then kept in touch with these lawyers to see how they were getting along.

Al Christian, a Hogan & Hartson partner, was quoted in this morning's Washington Post saying:

"[Fred] was sort of an elder statesman, particularly among black lawyers moving up in the profession and those of us striving to make our way in the large white firms in town. . . . He sort of reminded me of the perception I have of the gentleman of old who had a certain code of honor and would do things according to the rules. He had rules. He had values, and he would not violate those rules for personal gain."

In Fred's view, perhaps his most significant tangible contribution to our legal community was his work for nine years on the D.C. Judicial Nomination Commission, four of them as Chairman. He reached out to black lawyers and women lawyers and Hispanic lawyers and government lawyers and urged them to apply to the Commission for consideration for a judgeship. He literally changed the face of the Superior Court Bench and that of the District of Columbia Court of Appeals. Today there are substantial numbers of women and blacks and other minorities who are judges in what so clearly is one of the best state court systems in the nation, largely because of the work and effort and quite persuasiveness of Fred Abramson. In many respects, Judge Ugast, this Court is itself a living tribute to Fred Abramson.

Your Honor, I respectfully move that this Court adjourn today at the conclusion of its business in memory of and in honor of one of the most distinguished members of our Bar, a gentle, decent, kind and very special man, a friend to us all, Frederick B. Abramson.

TRIBUTE TO NIKOLA TESLA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. GEKAS. Mr. Speaker, today I rise to ask my colleagues to join me in the commemoration of a true genius. Nikola Tesla, a Serbian scientist born on July 10, 1856, is ranked among the greatest scientists of our time, and is perhaps the most renowned inventor that ever existed. Although his work was brilliant, and even world transforming in some cases, Tesla is not as well known as someone of his caliber should be. Many people are unaware of how much his work affects their everyday lives, and to what extent Tesla's discoveries have altered our world.

One of his paramount discoveries was the alternating electrical current, which we continue to use today; this discovery set the stage for some of his other innovations, namely fluorescent lighting, and the bladeless turbine. In addition, Tesla preceded space age technologies with his work in computers, robotics, and missile science. Some of his work includes the lighting of the Columbian Exposition and of Niagara Falls.

Expressing how fundamentally Tesla's contributions have affected the industrial revolution, Dr. B.A. Behrend, chairman of the Edison Medal Committee of the American Institute of Electrical Engineers wrote, "Were we to seize and to eliminate from our industrial world the result of Mr. Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills would be dead and idle. So far reaching is his work that it has become the warp and woof of industry."

While Nikola Tesla has been honored with the Nobel Prize, the Edison Medal, and the opening of the Tesla Institute in Belgrade in 1936—in commemoration of his 80th birthday—I ask you, Mr. Speaker, to let us also acknowledge this great man. We must ensure that such a significant contributor to our modern world is not forgotten.

POLISH COMMERCIAL BANK DEBT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, in the preceding 2 years, what has been occurring in Poland is nothing short of astounding. Formerly a Soviet satellite existing under an oppressive Communist regime, Poland is now a burgeoning democracy rapidly moving toward a free-market economy. Once jailed Solidarity leader Lech Walesa is now President by popular election.

Poland, under its new President, has committed itself to the attainment of a free-market economy. Already, great strides have been made. Shortages of food and consumer goods have been eliminated. Inflation has been brought under control. The new Polish Government has created an open economy operating with a convertible currency.

The Polish people and their Government have worked hard and sacrificed much. Their achievements have been great thus far yet much remains to be done. There are many obstacles facing Poland as it undertakes this great and perilous journey and it needs our help.

President Bush has recognized this need and agreed to forgive 70 percent of Poland's \$3 billion debt to the United States. This gesture on behalf of the American people will go a long way toward hastening Poland's march toward a successful free-market economy.

In Frankfurt this week, a group of commercial banks will be meeting to decide the future of Poland's \$12 billion in outstanding debt to those institutions; \$3.5 billion of that debt is owed to American banks.

Poland has made great strides and has demonstrated itself to be a true friend and ally to the United States. I urge U.S. banking institutions to take the lead in showing flexibility at the Frankfurt talks. Flexibility will be a small sacrifice for a country that has sacrificed so much already to reach this point.

FRANK KELLY: 35 YEARS OF SERVICE TO NIAGARA-MOHAWK AND COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SOLOMON. Mr. Speaker, every congressional district has them. They're the kind of people who make a community worth living in. They are talented professionals, good neighbors, solid parents, and selfless community leaders. I'd like to talk about one of them today.

On June 27 there will be a retirement party for Frank Kelly, consumer services manager for Niagara Mohawk Power Corp.'s northeast region. He will be leaving the company after 35 years of service.

In those 35 years, Frank Kelly has found time to get involved in numerous community organizations, giving freely of his time and

considerable talent. That willingness to get involved is my measure of a good citizen, and by that measure Frank Kelly has always stood tall.

Presently, Frank Kelly is on the board of both Glens Falls Senior Citizens and the Adirondack Chapter of the American Red Cross. He is also active in the Glens Falls Rotary Club, of which he is a past president, and Adirondack Regional Chamber of Commerce.

Over the years, he has served as secretary and president of the South Glens Falls-Town of Moreau Chamber of Commerce and past president of the Ballston Spa Chamber of Commerce. He also has been active in Ballston Spa Lions Club, East Greenbush Jaycees, Troy Junior Achievement, North Greenbush Kiwanis Club, Troy United Way, Capital District Regional Planning Commission, Glens Falls Youth Center Board of Directors, United Fund, Industrial Committee of the Saratoga County Overall Economic Development Program, and Mohican Council of Boy Scouts of America.

After graduating from St. Francis College in Staten Island in 1953, Frank Kelly spent 2 years in the U.S. Army Medical Corps. He went on to study industrial electronics at Hudson Valley Community College and to earn a bachelor of arts degree at the College of St. Rose in Albany.

Mr. Kelly and his wife Carol Ann are the parents of three children, Colleen, Kathleen, and Kevin. They have three grandchildren, Eric, Justin, and Kacy Lynn.

That family has good reason to be proud of Frank Kelly, and so am I.

Mr. Speaker, this is a man who practiced voluntarism long before the idea became popular again under President Reagan. This is a man who was a "point of light" in his community long before President Bush introduced the term.

And so, my colleagues, please rise with me today so that we may pay our own tribute to a great American and pillar of his community, Frank Kelly of South Glens Falls, NY.

A TRIBUTE TO DONALD F. NOTTOLI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Donald F. Nottoli upon his retirement from Galt High School. For the past 40 years, Mr. Nottoli has been an inspiring and integral part of Galt High. Since 1951, when he first began teaching, Mr. Nottoli's entire career has been dedicated to the Galt community. He has filled many different roles in his career as teacher and coach. Having taught a variety of courses, he most recently has served as the psychology, U.S. history, and family life and education teacher. In addition, he served as the athletic director for 29 years, as well as coached golf, varsity baseball, and junior varsity and varsity basketball.

"Coach," as he is known in the community, is very popular. He is not just a familiar face to students, but to entire families. As his

teaching and coaching career have spanned five decades, it is not unusual for Coach to find children of former students in his class. Generations of families know, and are genuinely fond of him. As students, they respect and admire him, and as adults feel confident and reassured in entrusting their children to his care.

Such trust is inspired by knowing Mr. Nottoli and his true dedication to the development of the entire being. His care for young people goes beyond the role of coach and academician; he also fills the role of mentor, confidant, friend, and role model. He is as concerned with the development of persona as well as the development of the student athlete. In his career as coach, he has shared in many Galt Warrior victories. The more than 900 career games in basketball include a 1963 Golden Empire League Championship and the co-championship in 1989 and 1991. In 1991, the Warriors were also the league co-champions in golf, and Don Nottoli was cocoach of the year for both sports. It was his sixth award for coaching basketball.

What is most notable of Mr. Nottoli's career is that he has had only two technical calls against him. He realizes that it is important for young people to be good sports and citizens as well as competitive athletes and students. Mr. Nottoli is a fine example of both. A true gentleman on and off the court, he inspires leadership and confidence in his students and athletes through his impeccable court-side behavior. Again, believing in the development of the entire person and utilizing all of a person's abilities, coach is forever inspiring his students to be all they can be and to share those gifts with others. An example to us all, he is very active in the community. In addition to teaching and coaching, he has served on the Galt Elementary School Board for the past 25 years. Mr. Nottoli belongs to St. Christopher's Catholic Church, and has worked as a volunteer and advisory board member of the Galt Helping Hand Network. As a result of his tireless dedication to the community, he was honored as Galt's Citizen of the Year in 1981, inspiring generations of young people to be excellent students, athletes, and citizens.

Mr. Nottoli has so long been a great part of the school system and of the community, that his name is simply synonymous with education and athletics in Galt. Few are held in such high esteem, and deservedly so. Moreover, he is regarded with warm affection as a friend of the community. Mr. Nottoli is respected because his commitment to education and to the community is not only expressed by his words, but also by his actions. His contributions are ceaseless. For that reason, he not only commands the admiration and respect of the Galt community, but also the deepest gratitude and heartfelt affection of its residents. Mr. Nottoli certainly has my appreciation for all he has done. Mr. Speaker, it is with warmest regards that I congratulate him on his retirement and hope his future years with his wife, Lucy, and their children, Nick, Don, Andrea, Tami, and Greg, are filled with happiness.

FEDERAL PAYMENT BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 11, 1991

Ms. NORTON. Mr. Speaker, I am happy to introduce for the RECORD the excellent editorials regarding H.R. 2123 that were printed today by the Washington Post and the Washington Times:

[From the Washington Post, June 11, 1991]
SUPPORT THE FEDERAL PAYMENT BILL

The first decisive step toward congressional support for a fair and equitable federal payment was taken by the voters of the District of Columbia last fall when they sent an unqualified message to the District Building and the nation that the old way of conducting the public's business was over. Today the House of Representatives, in what we hope will be an extraordinary show of bipartisan support, can respond by passing H.R. 2123, which sets a federal payment formula for the District of Columbia.

Like so much that has happened since the emergence of the new city government, this District legislation enjoys the uncommon support of House leadership on both sides of the aisle and representatives who span the political spectrum. That is a tribute to the merits of the case for the bill and the new team. That also seems to be the view of the House Republican leadership. In a remarkably forthright letter to their Republican colleagues, Minority Leader Bob Michel, GOP Whip Newt Gingrich, Joe McDade, Dean Gallo, House District Committee GOP leader Thomas J. Bliley and Jerry Lewis said: "The Federal payment should have increased over the past 6 years, but no one in either party wanted to give the previous local administration more federal money." "H.R. 2123 is needed," they wrote, "to overcome the mess left by the previous administration. If we do not do what we can to help Mayor Dixon now, the future of the District may become as bleak as that of the late 1980s."

The bill, as crafted by committee chairman Ronald V. Dellums, ranking Republican Thomas J. Bliley and Del. Eleanor Holmes Norton, and reported by the House District Committee by a convincing 10-to-2 vote, provides the city with a three-year fixed federal payment funding level of 24 percent of the revenues the city raises. That falls short of the 30 percent funding level recommended by the Rivlin Commission and sought by the city, but it is a substantial increase over the currently low level of 14 percent and the present system, which involves the mayor and the council in an annual guessing game with the federal government.

Getting the District of Columbia's fiscal house in order is the city's top agenda item. The House of Representatives can keep it there by overwhelmingly supporting the federal payment formula bill today.

[From the Washington Times, June 11, 1991]
A WINNING FORMULA FOR D.C.

Ever since the start of home rule, the District government has had to guess how much money it would have to operate from one year to the next. It wasn't easy, since a significant portion of the budget relied on a federal payment, the size of which sometime depended on whether Congress felt compelled to punish the mayor or the D.C. Council for some legislative or other transgression the year before. But there is a new mayor and a

fresh eagerness in Congress to help the District turn its fiscal problems around. This newly found enthusiasm may mean an end to capricious allocations, as today House members are expected to approve a bill that will add an important ingredient to the District's budget process: predictability.

Ever since the District was established as the seat of government in 1800, the federal government has augmented its budget. The method and amount of payment has varied, but since 1925 the contribution has been a part of the regular congressional authorization and appropriation process. The payment, made in lieu of taxes on federal property and as a reimbursement for city services to federal buildings, has remained fixed at \$425 million since 1984. From 1977 through today, the total federal contribution has ranged from 35 percent of local revenues to 17.2 percent. The inconsistency of the payment has done little to help the District get its fiscal act in order.

The House bill sponsored by Reps. Thomas J. Bliley, of Virginia, Ronald Dellums of California and D.C. Delegate Eleanor Holmes Norton authorizes a flat payment of \$630 million in fiscal 1992. Beginning in fiscal 1993, the payment would be set at 24 percent of locally raised revenues.

It is a solid bill, one that will eliminate a large measure of uncertainty in the budget process. It also takes into consideration that payment based on locally raised revenues can lead to temptation. So it has safeguards against any urge to hike service fees and tax rates on the theory that the more you raise, the more you get. Each year's authorization will be calculated on revenues raised two fiscal years prior to the year in which payment is allocated, effectively eliminating any quick-fix incentive to hike taxes.

Approval of the bill will hand Mayor Sharon Pratt Dixon a well-deserved political victory as well as a much-needed operating tool. It should also end the practice of special appropriations, such as the \$100 million in emergency funds Congress recently approved. Also, as the District competes for money in the private bond markets, the predictability of the formula will encourage stronger ratings, which likely will yield more favorable borrowing rates down the line.

With one of the biggest excuses for fiscal impotence out of the way, District government will be better able to tap its own ingenuity and plan for contingencies within its budget rather than turning to the federal government for relief. That is good practice for any municipality.

TRIBUTE TO JEAN FISCHER

HON. BOB TRAXLER

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 11, 1991

Mr. TRAXLER. Mr. Speaker, I rise to salute Jean Fischer, one of Bay City, MI's finest public school instructors who is retiring this year after more than 22 years in the Bay City system. Most recently, she was principal of Handy Intermediate High School after more than a decade as principal of Central High School.

Jean's a lovely and warm person. Her enthusiasm and warmth were felt by her students in the classroom as well as by her athletes on the playing field. Jean coached al-

most every sport, especially volleyball, track, basketball, and softball. Her sports activities included working toward equal rights for women athletes. She sought equality in the budget, schedules, transportation, and facility use for title IX (girls' rights in sports).

Jean began her career by teaching physical education and health at the Freeland Community Schools and then moved to Central High School where she taught physical education and was eventually appointed assistant principal.

Jean took an active role in improving the instructional skills of teachers and in developing the curriculum. Rather than just teaching the facts of a subject, she emphasized the importance of looking at the child as a person. By doing this, she was able to help each student grow to his or her potential.

During her matriculation at Central Michigan University, Jean earned her bachelor of science in education with a major in physical education and a minor in health education and biology. She continued her education at Central Michigan University and received a master of arts in the physical education curriculum. Jean holds a secondary permanent certificate and a secondary administrator certificate.

In addition to her contributions to education, Jean helped acquire the funds to repair the chimes in the school tower of Central High School. These musical chimes are now heard and enjoyed by the residents in the surrounding neighborhoods.

Please join me in wishing the very best to Jean as she looks forward to a rewarding and enjoyable retirement. All of our Bay City Public Schools have benefited immensely from her special guidance, skillful leadership, terrific coaching, and enthusiasm for all students. She will be warmly remembered.

VIDOVĐAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 11, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a momentous day in the lives of Serbians. Battle of Kosovo Day, or "Vidovdan," as Serbians refer to this battle, signifies the day, June 28, 1389, when Serbian armies were unable to protect their nation and religion in the face of Turkish forces. This defeat by the Ottoman armies resulted in 500 years of domination over Serbia.

For over six centuries, Serbians have commemorated this day with somberness, as well as joy. Just as Vidovdan is remembered as the beginning of Ottoman rule over Serbia, it is also a day which marks the strength of a nation.

Although the Serbians were defeated in the Battle of Kosovo, their fight for freedom and independence enabled Serbia to evolve into a country characterized by courage, pride and unity. Vidovdan is a day to commemorate those brave souls who fought in the name of their country, and who sought liberation from an oppressive empire.

Mr. Speaker, let us all pay tribute to what this day stands for, that it may give hope and perpetual meaning to the Serbian people who continue to fight for their freedom.

A SALUTE TO ELLEN MISHKIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TOWNS. Mr. Speaker, I rise today to give my salutations and thanks to Ms. Ellen Mishkin, Brooklyn attorney, organizer, and savior to those who cannot afford the legal assistance they deserve.

With a caring heart and hard work, Ms. Mishkin has created a pro bono legal agency that has moved forward the legal system. Through the help of the Brooklyn Bar Association she has embarked on a venture which few have dared to follow.

This program not only benefits people who cannot afford legal representation, but it also offers lawyers a chance to branch into new areas of practice. Ms. Mishkin's creation is run by volunteer specialists who will guide less experienced lawyers in novel cases and provide their expertise in cases that require it.

This pro bono effort has already made improvements in the services it provides. The program has further plans to assist in cases dealing with AIDS patients and personal bankruptcy.

Clients will be referred to the project by federally funded legal services. Grants have been provided by the Brooklyn Bar Association which proves that others perceive the importance of this project.

By providing pro bono legal service, Ms. Mishkin has exhibited proof that our American legal system works.

I ask my colleagues to join me in commending Ms. Mishkin. Her strong belief in a fair legal process has not only demonstrated her personal greatness, but it has also demonstrated the greatness of the system.

TRIBUTE TO ROBERT HARBISON POWER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the late Robert Harbison Power who was a remarkable business leader, selfless community servant, and dedicated family man.

Bob Power's career took off in 1948 when he became a partner of the Nut Tree Restaurant. He went on to become chairman of both Nut Tree Associates and the Buttes Gas & Oil Co., and his stature as a businessman is reflected in his tenures as president of the California Restaurant Association and the National Restaurant Association.

While attending to the demands made by his many business interests, he also established a reputation as an historian for his prodigious and original research on Sir Francis

Drake and Christopher Columbus, two early European explorers of North America. Among his many monographs and articles are "Pioneer Skiing in America," 1960; "Francis Drake and San Francisco Bay: A Beginning of the British Empire," 1974; and "In Quest of Where America Began: The Case for Grand Turk," 1991.

Bob Power's talent and enthusiasm was not limited to scholarship; his dedication to advancing the knowledge of California and U.S. history found expression in his participation in numerous organizations. He was a member of the Sir Francis Drake Commission in Sacramento and the Governor's Commission for California's Quincentenary Commemoration of the Discovery of America. He also presided over the Grand Turk Columbus Landfall Symposium in 1989. For 9 years, he chaired the California Heritage Preservation Committee, and for 2 years, he was president of the California Historical Society. In 1984, Governor George Deukmejian appointed Bob to chair the California State Historical Resources Commission.

A noted philatelist, he became postmaster of the Nut Tree, California postal station in 1962. In 1990, President Bush chose Bob to serve on the Citizen's Stamp Advisory Committee.

Also included among Mr. Power's list of affiliations are the San Francisco Press Club, the Sacramento Book Collectors Club, the Vacaville Rotary Club, and the Commonwealth of California Club.

Born on April 19, 1926 to Edwin Ignatius and Helen Melissa [Harbison] Power, Bob was a member of the fourth generation of pioneering California ranching family. In 1943, he joined the U.S. Army, and during this service, he earned the Combat Infantry Badge, the Purple Heart, and campaign stars for Bastogne and the Rhineland. After returning from Europe, he began a long and active participation in statewide politics. Bob's involvement with politics ultimately gave way to his strong interest in the preservation of open space. In 1969, he became the founding director of the California State Parks Foundation and went on to become a member of the board of directors of the Bay Area Council. He served as Solano County's sole representative on the Bay Vision 2020 Commission.

Bob is survived by: his wife of 42 years, Margaret Mary (Peg); their six children, Diane Zimmerman, Mark Power, Linda Finlof, Julie Pantiskas, John Power, and Brian Power; and, their two grandchildren, Melissa Power and Nicole Finlof.

Bob was a vital part of his family, his community, and his State, and he was a valued friend of mine. I will certainly miss him. My heart goes out to Peg and the rest of Bob's family.

ANNIVERSARY OF THE MERCER MUSEUM

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. KOSTMAYER. Mr. Speaker, June 23 marks the 75th anniversary of the Mercer Museum, located in Doylestown, PA.

I would like to take this opportunity to tell you about this museum which first opened its doors in the year 1916. The building itself was constructed without a formal set of plans. Its creator and owner, Henry Mercer, drew daily sketches of the work he hoped would be completed that day. What resulted, if you can imagine, was a one-of-a-kind six story building. Its galleries encircle a central court, and the building is adorned with hundreds of differently shaped windows. The Mercer Museum has come to be known as a historic landmark, noted and loved throughout Bucks County for its unique style and appearance.

Mr. Speaker, in addition to the building itself, the artifacts inside the Mercer Museum are also cause for celebration, as they give us a chance to learn about an important part of American history. Even in today's world of computer intelligence and automation, one thing has remained constant: we have always needed someone to fix things when they break down. Perhaps Henry Mercer realized that there would always exist such a need, for if you visit the Mercer Museum today, what you will find is over 40,000 tools.

Mr. Speaker, a visit to the Mercer Museum is a chance to step back in time and appreciate the life and ingenuity of yesterday. There are tools for what Mercer considered primary needs—tools for basic survival—and secondary needs, which he categorized as implements necessary for learning, amusement, transportation, or law. One can find anything there, from a fire engine to an apple parer. In fact, there are just so many treasures to be found in the Mercer Museum, one can not truly appreciate its value without visiting it in person.

I would like to celebrate the 75th anniversary of the Mercer Museum. It has taught everyone who has had the chance to visit it a thing or two about our past. I hope that the Mercer Museum will continue to provide enjoyment to all for many years to come.

TRIBUTE TO SACRED HEART PARISH

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TRAXLER. Mr. Speaker, I rise today to inform the House of the 100th anniversary of Sacred Heart Parish in Kawkawlin, MI. This joyous celebration lauds a century of service to area residents, as Sacred Heart has steadfastly provided encouragement, understanding and compassion to those in need.

Indeed, over 100 years have passed since parishioners to Bay County began gathering to

share inspiration and faith. During the 19th century, Catholic mass was offered by French missionaries, and in 1891, Father John G. Sanson, a Bay City pastor, founded a mission on the corner of Beaver and Fraser Roads. Two acres of land were purchased for just \$1, and on this property a 60 by 90 foot frame church was constructed.

Abiding a severe electrical storm in 1896, the church was completed the following year. However, a fire claimed the wooden structure on September 6, 1899, and a brick edifice was constructed in its place. For 80 years, it is here that the Sacred Heart community convened for worship; a new, modern facility was completed in 1971.

Through a series of activities, including the establishment of a memorial room, a "100-Mile Walk," a pictorial history book and a friendship picnic, the 273-family congregation at Sacred Heart has rejoiced. A special acknowledgment is in order for the members of the centennial committee, who met every month during the past 2 years to coordinate anniversary festivities.

I encourage all citizens to join me in commemorating the Sacred Heart Centennial celebration, and in congratulating the congregation whose dedication and commitment have precipitated this important event. It is my hope that through their outstanding efforts, Sacred Heart parishioners will continue to provide spiritual inspiration and leadership to Kawkawlin area residents for many years to come.

**SP. COLLIN P. FULLER TURNS
BACK TO HIS FAITH IN TIMES OF
WAR**

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SOLOMON. Mr. Speaker, it has been said that there are no atheists in foxholes. And it is true.

The likelihood of combat inclines many individuals to think of final things. That was as true of Operation Desert Storm as it was of any other war in our history.

With that in mind I would like to place in today's RECORD the remarks of a very special veteran of the gulf war, U.S. Army Sp. Collin Fuller of Harford, NY. The remarks took the form of a sermon Specialist Fuller preached at Harford United Methodist Church, where his mother, Patti Girard, is pastor. It was delivered on May 19, shortly after his homecoming. Its title is "Faith Through Difficult Times," and I hope many of you will read it. It makes you extraordinarily proud of our young men and women in uniform, and proud to be an American:

FAITH THROUGH DIFFICULT TIMES

First, I would like to thank everyone in the congregation who sent packages and letters and prayed for our Battalion and for me. All your caring and support helped us more than you could know. The weather went from very hot to very cold. The rain and mud would get spirits down. But the prayers and support from the States helped pull our troops through.

I'd like to share a couple of incidents that occurred while we were on the frontline on the border of Iraq. One night, about 1:30 a.m., an insect crawled into the alarm system that warned of chemical attack and set the alarm off. We were all asleep, except for two men who were posted on guard. We woke up to voices calling for us to get up, mask and put our chemical suits on. My chemical gear, and the gear of many others, was in the cab of our equipment, and not at the camp. All we had to wear was our wet weather gear . . . great for rain, but not sufficient protection from a chemical attack. There was organized chaos, everyone running around looking for gear, but working as a team, helping each other to ward off the threat of chemical attack. We were scared, and wondered if this were it . . . were our lives going to end in the middle of this barren desert.

I prayed to God for protection. I prayed he would keep all of us alive. In the midst of danger, faith in God helped.

A few weeks later, before the ground war started, we were in Saudi Arabia, miles from anywhere. It was cold, the ground was damp, so I was asleep in the bucket of my See, a piece of engineering equipment that has a bucket loader on the front and a backhoe on the back. Sgt. Farwell woke me up saying a bunker had caved in and I was needed with the backhoe. Half awake, I went to the controls, wondering what we would find when we got to the bunker. Sgt. Farwell on one rig and I on the other, started digging, carefully, to unearth our buddies, PFC Scott Rush, 19, and Spc. Gary Crask, 20. We were still hoping they were alive. We found Scott first, CPR was administered by the medic and combat lifesavers, but to no avail. Some of the men jumped in the hole to look for Gary. CPR was applied but it was too late.

We were all in shock, not really believing what had just happened. I asked myself, why did God allow this to happen, but knew we had been prepared for this . . . it was war.

I am grateful the casualties were light; we were prepared to have many more. I'm glad to be home, close to my family and friends. I hope the conflict is over, and no one will have to go back. I pray for peace.

(The service closed with "O Beautiful For Spacious Skies.")

THE CIRCUS WITHOUT ANIMALS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. LANTOS. Mr. Speaker, during particularly busy times in Washington, I often hear the comment, "This place is a circus." Last week that perception was reality. On June 4, I had the pleasure of hosting a very special family event here on Capitol Hill on behalf of the Congressional Friends of Animals Caucus, which I cochair. It was quite an affair and could not have happened without the talent and resources of People for the Ethical Treatment of Animals and the New England Antivivisection Society.

The guests included a number of my colleagues, their families, children of all sizes, as well as an array of well-known celebrities and concerned citizens who share one common belief: Animals must be treated ethically, humanely, and in accordance with standards ensuring their health and well-being. The party

was proof that this belief is not incompatible with the way of life to which many of us are accustomed.

The evening's theme of a "circus without animals" was enhanced by the presence of a carousel horse, an old-fashioned popcorn wagon, and makeup artists, but the highlight was the fabulous acts by members of the Pickle Family Circus, Circus Smirkus, and the Atlanta Circus Arts Troupe. Their performances confirmed the idea that enjoyment of a circus is not predicated on the exploitation of animals.

The food at the event was delicious. Pasta, stir-fry, fresh fruit, sauces: All of it mouth-watering, all of it from nonanimal sources. Everyone I spoke with thought the soy ice cream tasted exactly like the real McCoy.

Over in ring 3 presided Bea Arthur, famed for her roles in the television sitcoms, "Maude" and "The Golden Girls." Although she often casts a tough image on screen, her involvement in the movement for the ethical treatment of animals is an indication of her true compassion. Diane Ladd, recently seen in the movie "Wild at Heart," and Gene Rayburn, the popular game show host, also graced the scene.

Mr. Speaker, this is not the first event sponsored by the Congressional Friends of Animals. Nor will it be the last. Through activities like candid debates, panel discussions, staff briefings, and field trips to places of interest to its members, the Congressional Friends of Animals hopes to increase awareness and support for the humane care of animals, both wild and domestic.

FINANCIAL AID FOR THE "HAVES"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, the Reagan administration did not think much of antitrust law. In fact, during that administration the dean of one law school told me that his school had considered moving antitrust law into the legal history section of its curriculum. Under the Bush administration, things have improved somewhat, although in areas such as resale price maintenance, and inflationary anti consumer practice, we still do not have a genuine commitment to vigorous antitrust enforcement.

I was therefore surprised to learn that the Republican Justice Department had decided to make a concentrated assault on the financial aid practices of some of America's best universities. But as I followed it more closely, I wasn't surprised at all: this is simply one more Republican effort to rescue the rich.

The Ivy League schools have worked together, not to maximize their profits or to raise the general price level to consumers, a traditional concern of antitrust. Rather they have sought to maximize the extent to which they can use scholarship funds for people in genuine need. It is true that some students from upper income backgrounds have been victimized to some extent by this process—these individuals, all of whom can fully afford to pay

for their college educations, have been deprived of a chance to get maximum scholarship aid because the universities have wisely agreed not to compete among themselves in offering aid to a few very gifted and very wealthy individuals, thereby saving more funds to go to middle income and lower income people in genuine need.

And then along comes the Bush administration and the current Republican generation of trust busters. As the Boston Globe points out, by insisting that the Ivy League institutions stop this, "the effect of the Justice Department effort is to shunt scarce financial-aid dollars away from less affluent students, directing them to students whose parents are more likely to be part of Republican constituency."

Mr. Speaker, the Boston Globe editorial on this issue is an extremely thoughtful one. I ask that it be printed here because it is one more example of insensitivity on the part of an administration which seems to think that in domestic affairs, further comforting the wealthiest people in our society is the highest possible mission.

Financial aid for the 'haves'

Seldom are lawyers so sanctimonious in celebrating victories as was Attorney General Richard Thornburgh when he announced the Justice Department's success in combating alleged price fixing by Ivy League colleges.

Thornburgh claimed a win against "a collegiate cartel" that denies students and parents "the right to compare prices and discounts among schools." He then added: "The revered stature of these institutions does not insulate them from the requirements of the antitrust laws."

The "cartel"—the so-called Ivy "overlap" schools: Harvard, Brown, Cornell, Columbia, Dartmouth, the University of Pennsylvania, Princeton and Yale—decided to abandon a costly two-year effort to defend themselves against Thornburgh's price-fixing allegation.

A consent decree binds the eight colleges to end a cooperative effort, dating back 40 years, by which each spring they have met to reach a common calculation of students' financial need. On the basis of that calculation, they have offered approximately equal amounts of financial assistance toward tuition and fees.

The purpose of exchanging information has been to prevent financial-aid bidding wars, an end that is educationally desirable for two reasons. First, students admitted to more than one college are encouraged to make their final choice based solely on what each college offers academically rather than on its cost.

Second, the overlap consultation makes a given pool of financial aid go further. If aid is distributed on merit—to entice students who don't need it but are considered desirable—it is not available for others with greater need.

Nationwide, colleges are targets of similar suits. Now that the Ivies have caved, most of the others are expected to fall in line. Most will probably state that they intend to continue to disburse financial aid on the basis of need. But since they are now barred from sharing notes about it, their calculations are bound to differ. Thus, the bidding will begin, to the detriment of those with need.

The consent decree brings an end to the civil antitrust suit. The schools admit no wrongdoing, and the government drops the matter. (MIT was a holdout, refusing to sign on the grounds that it believes none of its

procedures, including the overlap meeting, violated antitrust laws. Thornburgh vowed to pursue civil action against MIT for violation of the antitrust laws—although if MIT is the only institution marching out of step, it is not evident with whom it will be charged with colluding.)

In a normal antitrust case, manufacturers collude to fix prices, thereby forcing consumers to pay more than the free market would dictate. In this case, the alleged collusion not only is aboveboard but also is aimed at the socially justifiable purpose of ensuring that tuition discounts—which is what financial aid amounts to—go to those who need them most.

The effect of the Justice Department effort is to shunt scarce financial-aid dollars away from less affluent students, directing them to students whose parents are more likely to be part of the Republican constituency. It is one more lamentable round in the "the revolt of the haves."

TRIBUTE TO DR. BEVERLY MARSHALL AND MRS. SHIRLEY SPANIEL

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. PURSELL. Mr. Speaker, I would like to bring to your attention two important people in the field of education from my district in Michigan: Dr. Beverly Marshall, principal and educator for 32 years, and Mrs. Shirley Spaniel, director of elementary education and principal for 32 years. These two very special people are retiring from their positions at the end of this school year.

As the Plymouth-Canton community members begin their preparation for a celebration in their honor, I feel it is right to nationally recognize such community leadership.

For 32 years, Dr. Beverly Marshall has proven her teaching ability in a myriad of billets. As a teacher and a principal, she has taken the lead as a facilitator of innovative ideas for classroom teaching. Dr. Marshall has worked hard to search for more effective ways of reaching out to our children. Through her years of service, she has demonstrated abilities that have made her a valuable member of the Plymouth-Canton community schools.

I have personally known Shirley Spaniel for many years. She also has dedicated 32 years to education. She has witnessed incredible changes in education in her career—from teaching 39 third and fourth grade students in one room at the age of 19, to using computers and other higher technology tools in the classroom. I am submitting for the record a recent news article that describes her contributions to education.

As a former educator, I know well the importance of having such dedicated people. They and others like them deserve our recognition. Dr. Beverly Marshall and Mrs. Shirley Spaniel will be missed.

ENDS CAREER ON A HIGH NOTE

(By M.B. Dillon)

Folks watching her grow up in Bay City wouldn't have been surprised had Shirley Koblinsky become a professional musician.

As a percussionist and pianist at T.L. Handy High School, the future Shirley Spaniel won a citywide music contest and a scholarship to Interlochen. At Bay City Junior College, she majored in music. Spaniel later would make her debut on a four-octave marimba with the Plymouth Community Band in Kellogg Park.

But for Spaniel, the halls of learning beckoned louder than any conductor. Plymouth-Canton's future executive director of elementary education earned her teaching certificate at Central Michigan University and began teaching at the age of 19.

In Bangor Township, near Bay City, Spaniel taught—in one room—39 third and fourth graders. It was a challenging experience that "taught me the value of combining ages in a classroom. It forces you to look at the strengths and weaknesses of each child; at what they have and what they need," said Spaniel, who next month will cap a career that spans the reign of three Plymouth-Canton superintendents and more than 33 years.

Spaniel moved to this area to pursue a four-year degree at Eastern Michigan University. Spaniel juggled her classes with a teaching job in Washtenaw County.

Thorne Elementary "was a little three-room school. I had a third and fourth grade (combined) class," she said. "In the afternoons, 12 kindergartners would come into my room for instruction. That experience taught me how valuable keeping mixed ages can be for students, and not just for the younger children. We call it cooperative learning now; models are established by the older children for the younger children, and students learn to help each other."

"My early years in education were very challenging and exciting. They prepared me well for my role as executive director of elementary education."

While still a student, Spaniel was recruited to train and supervise student teachers at Eastern's Lincoln Laboratory School. She squeezed in her own classes at night and on Saturdays, eventually earning her master's degree from the University of Michigan.

It was at Michigan's School of Education that Spaniel met nationally known educators who piqued her interest in research.

"We were right there where research was being conducted," she said. "Dr. Willard Olson, who wrote our text on child growth and development, was right down the hall from where I taught. The father of modern math, Dr. Joe Payne, was there too. Those were exciting years in terms of learning to translate research into learning in the classroom. What I learned was how important it is to continue to search for better ways to teach."

While moving into an apartment in Ypsilanti, Shirley met a young pilot who was helping a friend move into the same building. A graduate of Texas A&M commissioned with the Air Force, George Spaniel was flying with Capital Airlines out of Willow Run.

Dates on DC-3s led to a walk down the aisle and "a wonderful marriage," said Spaniel. Living with a person whose occupation was so totally different "allowed me to forget about my own job," she said.

The arrival of two children, George, now 27, and Julie, 25, brought short interruptions in Spaniel's education career.

"You wonder when you're a career mother if you can do it all. You can do it all; it just takes a lot of organization and commitment, and not a lot of sleep. Things you sacrifice are some of the social relationships. We were pretty family oriented; our travels were family time. That kind of quality time really made a difference," she said.

George Jr. is now a pilot with Wolfe Industries, a private corporation that owns the Columbus Dispatch newspaper and Channel 10 in Columbus, Ohio. He's also the father of John, 2½, "and the light of my life. I look forward to spending more time with him," says Spaniel.

Julie, a recent graduate of the University of North Carolina's dental school, is being married next month in Plymouth before moving to Portland, Ore. to do an internship in oral surgery.

Shirley and her husband plan to visit Portland on a trip to Alaska and the Pacific Northwest this September.

The Spaniels have, indirectly, United Airlines to thank for their discovery of Plymouth. "We started out living in Ypsilanti," said Spaniel. "We had some good friends who were United Airlines pilots who in the early '60s bought homes in Plymouth. They loved it here. When we decided to come visit we were so impressed with the community we decided we should buy a house here."

Spaniel again was recruited—this time by then-Superintendent Russell Isbister—to head a team studying how best to distribute federal funds in the district.

"We developed an assessment team that went around to elementary and middle schools to look at educationally disadvantaged kids in this community and what kind of programs they needed to improve," she said. "That brought about the remedial reading program." When no one could be found to coordinate the remedial program, Spaniel was drafted for duty.

"I began to see how that program impacted the whole language arts curriculum. It had to be looked at in terms of how the program was meeting the needs of all students," she said.

Spaniel became the district's K-12 coordinator for reading and language arts in 1968. Recognizing teachers' need for additional training in reading, she set up two summer reading clinics. Professors from the University of Michigan taught instructors in the mornings, and in the afternoons, summer school students were tutored by the teachers, who earned college credit.

"I think we need to get back to some of that," said Spaniel. "Teachers aren't getting enough practical experience."

In 1972 after visiting England where she researched elementary education, Spaniel opened Miller Elementary, "which I carefully labeled a child-centered school." The highly-successful school, which at one time conducted year-round school, received "visitors from all over Michigan. It was exciting for me because we created something unique," said Spaniel. "I think the new collaborative school improvement process will help put that in place again. We are bringing parents into the process."

As executive director of elementary education, a post Spaniel has held since 1980, Spaniel supervises elementary principals, with responsibility for budgets and all K-6 instructional programs.

Spaniel in 1988 was awarded by the state for organizing two reading conferences at the Novi Hilton for teachers from southeastern Michigan.

Eight years ago she founded a local chapter of Delta Kappa Gamma, a professional organization for women in education that is thriving with 40 members.

Of late, Spaniel has been questioned by opponents of the controversial developmental learning program—a learn-at-your-own-pace teaching technique in place in kindergarten through second grade throughout the district.

Some parents and teachers have criticized the program, saying that its lack of structure means students aren't learning to spell, read or do math as they should be.

Spaniel is convinced the program will work, because it addresses the fact that students learn at different rates.

"If we put too much pressure on kids, we will turn them off to learning. That's what we are trying to avoid," she said. "I think if we are patient and supportive, students will learn unless they have learning defects or intellectual deficits. My concern is that we keep class sizes down to a reasonable limit."

Spaniel's departure leaves an administrative team that's largely male. Not one assistant superintendent is female.

"It's tough in education even today for a woman to go beyond the building principal level," said Spaniel.

She has no complaints regarding the treatment of women educators in Plymouth-Canton. "I think Dr. Hoben has been very open and very fair. He treats candidates equally," she said.

INVITE TAIWAN INTO GATT TRADE PACT

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. BILBRAY. Mr. Speaker, the 100 member nations of the General Agreement on Tariffs and Trade [GATT] currently have before them an application for membership from the 13th largest trading country in the world. This country holds the largest foreign-exchange reserves in the world and is the sixth largest trading partner of the United States. While there is no doubt that Taiwan qualifies for GATT membership and that its inclusion in the organization would benefit all free trading nations, the application has been repeatedly stalled. This application is from the Republic of China on Taiwan, and it is for fear of upsetting Beijing that this administration has failed to support it. But this concern has been addressed. Submitted under the name of "Customs Territory of Taiwan, Penghu, Kinmen and Matsu," care has been taken to avoid confrontation with the mainland. What matters here is trade, and what will best strengthen and maintain the GATT structure which regulates international trade to the benefit of all member nations. I submit for my colleagues' consideration an editorial which appeared in the Nevada Appeal last November titled, "Invite Taiwan into GATT Trade Pact," and I hope that you will join me in urging the administration to do just that by supporting Taiwan's application.

INVITE TAIWAN INTO GATT TRADE PACT

The Bush administration is engaging in more of its Machiavellian justifications for humoring dictatorships. The issue this time is whether Taiwan should join GATT.

As the world's 13th largest trader, Taiwan has a logical place in the General Agreement on Tariffs and Trade, the 100-nation agency overseeing global trade. Not surprisingly, the U.S. trade representative and the major congressional committees on trade and foreign affairs support its bid to join.

Even Secretary of State James Baker concedes that Taiwan's membership may be "desirable in principle."

But he worries—again—about Chinese sensibilities. China still clings to the fiction that Taiwan is not a separate country. The masters of Tiananmen Square would be miffed if Washington backed the island's membership in GATT.

The Chinese have been helpful to Washington in the Persian Gulf crisis and also in attempts to bring peace to Cambodia. Baker doesn't want to offend them now.

But those regional problems are unrelated to trade—an arena where the Bush administration has already catered to Beijing. It agreed last spring to extend trade concessions to China for another year.

Baker and Co. should quit psychoanalyzing China's leaders and do the right thing at GATT.

Who knows—the Chinese might even respect them for it.

Nevada Appeal editorials are the opinions of the newspaper's editorial board. All other opinions expressed on the Opinion page are those of the artist or author indicated.

TRIBUTE TO CLEMENT KAYE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TRAXLER. Mr. Speaker, I rise to salute Clement Kaye who is retiring this year as assistant principal of Washington Elementary School in Bay City, MI. We will miss the guidance and fine leadership that he provided to our public elementary schools for the past 17 years.

Clem has had a distinguished career as an elementary school administrator. Upon his arrival in Bay City in 1974, he served as principal at Kolb Intermediate, and subsequently accepted the combined role as principal of Whittier and Munger Elementary Schools, and later, MacGregor Elementary.

His leadership was so effective in this position that it was decided he could guide two schools at one time. Consequently, Clem was assigned as a two-school principal. These schools also included Lincoln, Whittier, Dolsen, and Washington Elementary Schools.

Outside the classroom, Clem was an active participant in the Boys and Girls Club for children in the K-5 grades. He was the first recipient of the "Man of the Year Award" presented by the Boys and Girls Club. His civic activities included serving as chairman of the Bay County American Red Cross. During the 1987 flood Clem worked vigorously to help residents. He is also an officer at the Messiah Lutheran Church, and a member of both the Elks Club and the South End Businessmen's Association.

During his matriculation at the University of Illinois, Clem received his bachelor of science degree in education and a master degree in education. He also holds an elementary permanent certificate and an elementary administrator certificate.

Clem was a doctoral student at Wayne State University where he taught elementary education, reading, social studies, mathematics, and the philosophical and sociological foundations of education. While at Wayne State, Clem reorganized the Teacher Training Center by using all the Detroit city schools as

a laboratory school. He has been a member of the Michigan Department of Education's Curriculum and Research Committee.

He is also a member of Phi Delta Kappa, a charter member of the Saginaw Bay City Phi Delta Kappa, a member of the National Association of Elementary School Principals, Michigan Elementary and Middle School Principal Association, the Bay City Association of School Administrators, the Association of Supervision and Curriculum Development, and the Michigan Reading Association.

Please join me in wishing the very best to Clement Kaye as he begins a relaxing and fulfilling retirement. His effective leadership, clear guidance, and fine dedication to elementary education, will be warmly remembered by our community.

A TRIBUTE TO COL. KEITH G. FINDLEY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor a wonderful officer, Col. Keith G. Findley, U.S. Air Force, upon his retirement. Colonel Findley, a career aircraft maintenance officer, retires as the Director of Environmental Management at Sacramento Air Logistics Center, McClellan Air Force Base. He has filled a crucial role in the operation and maintenance of McClellan and will be sorely missed by base personnel and by community leaders with whom he is in constant contact. He will be missed not only for his expertise and leadership, but also for his fine wit and sense of humor. Colonel Findley has been a great asset to the Air Force, to McClellan, and to the Sacramento community.

Colonel Findley was born on March 29, 1942 in Seattle, WA. He graduated from Lee High School in Arlington, VA in June, 1960. After receiving a bachelors of arts in history from Central Washington University in 1964, Colonel Findley finished his commissioning through the Reserve Officer Training Corps. He began his career attending the aircraft maintenance officer course at Chanute AFB in Illinois and upon completion, was assigned as a flightline maintenance officer in September, 1965. At Charleston AFB in South Carolina, he maintained the C-130E aircraft for the 608th Organizational Maintenance Squadron.

From December, 1966, to January, 1968, Colonel Findley's role with C-130E aircraft became even more crucial as he was assigned with the 345th Tactical Airlift Squadron at Ching Chuan Kang AB in Taiwan. There, he filled a variety of positions as maintenance officer for the aircraft which were used extensively throughout Southeast Asia. Recognized for his commendable service and leadership abilities, Colonel Findley was assigned as Chief of Programs and Procedures at Headquarters Air Force Reserve, Robins AFB in Georgia. There, he was soon selected as an exchange officer with the Royal Air Force to work with the Nimrod Maritime Reconnaissance Aircraft. Beginning in June of 1970, Colonel Findley was the commanding officer of the Engineer-

ing Coordination Center at RAF St. Mawga, England.

In April, 1973, Colonel Findley was temporarily medically retired. Not one to ever slow down, he used that time to earn a bachelors of arts degree in business economics from his alma mater. In returning to active duty in January, 1975, he was the maintenance supervisor for C-130E and C-141 aircraft to the 62d Organizational Maintenance Squadron at McChord AFB in Washington while completing Squadron Officer's School. At McChord, he attained the rank of major and was subsequently promoted to the position of job control officer in December, 1976. Completing his masters of arts from Pacific Lutheran University the following year, Colonel Findley was assigned in May to the Office of the Deputy Chief of Staff for Logistics, Headquarters United States Air Forces Europe, Ramstein AB, Germany. There he filled a number of crucial positions, including Chief of Aero Systems Branch and Assistant Chief of the Air Craft Division. While there, Colonel Findley completed national security management course by correspondence.

In returning to the United States in May 1981, he was the maintenance officer, and subsequently the squadron commander of the 9th Field Maintenance Squadron at Beale AFB. Less than a year and a half later, Colonel Findley returned to Europe, this time to England. Beginning in October 1982, he was the first deputy commander of maintenance for TR-1 aircraft of the recently activated 17th Reconnaissance Wing at RAF Alconbury, England. Beale, not wanting to lose such a valuable officer, managed to win Colonel Findley back in September 1985. His years in England proved to be useful, as the 9th Strategic Reconnaissance Wing at Beale utilized TR-1/U-2, in addition to SR-71, KC-135Q, and T-38 aircraft. There, he was assistant deputy commander for maintenance, and was promoted to deputy commander for maintenance.

Another promotion occurred February 1, 1986, when he was given the rank of colonel. In coming to McClellan AFB September 1988, Colonel Findley was the chief of the Product Quality and Reliability Division, Directorate of Maintenance, Sacramento Air Logistics Center. He became director of environmental management in March 1990. It is most fitting that Colonel Findley retire as the director of environmental management, as he has been described by coworkers as being an environmentalist at heart, always advocating the need to do what's right. Appropriately, he is an avid fisherman; it is said that while on his many travels, Colonel Findley was also in search of the perfect fishing hole.

Colonel Findley retires with the Meritorious Service Medal and the Air Force Commendation Medal, both with three oak leaf clusters, the Merit of Legion Award, and the deep gratitude of the Air Force and the Sacramento community. The Air Force, McClellan, and Sacramento have all benefited greatly from Colonel Findley. His leadership, his knowledge, and his commitment have proven to be invaluable over the years. He is truly a great officer and a wonderful gentleman who will be missed dearly. Mr. Speaker, it is with deep appreciation that I rise and honor this Colonel Findley upon his retirement. I wish he and his

wife, Cleo Findley, all the best in their future years.

TRIBUTE TO CONTRA COSTA WAR VETERANS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. MILLER of California. Mr. Speaker, on June 15, 1991 the citizens of Crockett, Port Costa, and Tormey will remember and celebrate their war veterans. Over 733 men and women from these three towns were stationed across the globe from the Pacific to Europe to Southeast Asia and the United States to help defend our country and its allies during World War I, World War II, Korea, and Vietnam. In their honor a 5 foot by 6 foot bronze plaque engraved with each of their names will be placed on the wall of the Crockett Historical Museum.

In 1989, after discovering that the original war veteran's memorial honoring those from the three towns serving in World War I and World War II had been torn down, Leo Cid of Crockett formed a committee to find all of the area's veterans who had fought in the twentieth century thus far. The search for the names of these men and women for the new expanded memorial entailed a 2½-year search through phone calls and letters by the committee members: Leo Cid, chairman, Tony Cospa, Aldo Ray, Babe Pallotta, Ray Pallotta, Joseph Angelo, Morris Lewis, Marino Patrinal, Tony Machado, Bab Simontacchi, William Ligon, and Richard Magliari. They organized fund raisers and solicited donations to make their dream of commemorating their soldiers a reality.

Mr. Speaker, I know the Members of the House join me in the recognizing the dedication of these men and women who served our country. They are an essential part of the base on which the security of our Nation has been built.

OPERATIONS SPECIALIST CHIEF BERNARD E. BARBER TO RETIRE AFTER 20 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SOLOMON. Mr. Speaker, even before my long service on the House Veterans Affairs Committee I always felt that no tribute to our veterans was excessive.

We recently finished honoring thousands of Desert Storm veterans over the last week, and we will honor them again on July 4th. In those recent celebrations, the tribute was bestowed as well on veterans from all eras and from all wars.

And that's the way it should be. And I would go farther, Mr. Speaker, in saying we should take advantage of every opportunity to honor our veterans. That is why I rise today to pay tribute to Sr. Chief Bernard R. Barber, U.S. Navy Reserve.

Operations Specialist Chief Barber of Melrose, NY, will be retiring June 30, after 20 years of service.

Chief Barber enlisted on August 8, 1970. In his 20 years of service, he has set a standard in service, readiness, and dedication to duty that has inspired the next generation of sailors. He will be missed by his shipmates.

His wife, Joanne Lynn, his sons, Paul Harris and Tod Mathew, and daughter, Courtney Lynn, are all proud of him. So am I.

Mr. Speaker, this former marine asks everyone to join him in saluting Op. Sp. Chief Bernard E. Barber, and in wishing him all the best.

A PLAN TO IMPROVE WORLDWIDE ACCESS TO CLEAN WATER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. MANTON. Mr. Speaker, I want to call the attention of my colleagues to a new proposal which calls for the creation of a world water resources bank. What is significant about this proposal is that it not only addresses the need for capital for water projects on a worldwide basis, but also that it proposes a private free market solution to the problem. This will go a long way to alleviating the competition among water needs and other vital human needs for the ever more scarce financial resources of national governments.

Mr. Speaker, the proposal was made by Michael Curley, president of M. Curley and Co., Inc., a private merchant bank in New York City, in a paper which he presented on May 16, 1991, at the VII World Congress on Water Resources in Rabat, Morocco.

Mr. Speaker, the demands for clean water are growing throughout the world. These demands mean large capital outlays will be required to upgrade existing water systems and construct new ones for a growing world population. In urban areas, these costs may be spread among hundreds of thousands of businesses and families using urban water systems. Urban problems, therefore, are more manageable. In small towns, rural areas and less-developed countries, however, improving water quality and increasing the availability of clean water is very difficult. The costs are high, the base of users is small and often poor. Traditional commercial lenders are unlikely to be willing to lend capital to water systems in these situations.

To address this problem, Mr. Curley has proposed the creation of a world water resources bank to be composed of credit cooperatives that would be established from local water systems banding together. Credit cooperatives would exist at the local, regional and national level. By doing so, local water systems would become creditworthy and thus be able to acquire the capital they will need for current needs and future development.

Mr. Speaker, Mr. Curley has proposed a very provocative solution to the pressing problem our nation and the entire world faces: providing clean water for public health. Clean water is the lifeblood of our economy and, in-

deed, of human existence. As we enter the 21st century, clean water will become far more precious and vital than it is today. I urge my colleagues to read Mr. Curley's proposal, and I include an abstract of his paper in the RECORD at this point:

A WORLD WATER RESOURCES BANK: A PRIVATE FINANCIAL STRUCTURE FOR WORLDWIDE WATER PROJECTS

(By Michael Curley)

Throughout the world small water systems suffer from a lack of capital. New projects and reconstruction of older projects are most often funded directly from government appropriations or from local credit sources. Relying on a national or regional unit of government for funding puts fresh water needs into direct competition with other critical human needs such as public health and education. For certain projects, there may be no alternative. In areas of great poverty and deprivation, clean drinking water may have to be provided free, by government, to all users simply as a matter of public health or basic humanity. But for water systems in areas where even modest user charges are possible, there should be alternatives. Wherever there are funds, no matter how modest, which are available to make annual debt service payments, such systems should be able to finance needed projects without government funds, or at least without as much government funding.

Small water systems are unable to reach the international credit markets both because of their size and because the market is necessarily unfamiliar with the borrower and the quality of the credit. They tend to be at the mercy of whatever local banking community there is. This is truly an infelicitous position to be in. Because of the trend to massive disintermediation which began in the 1970's, banks are under global pressure to shorten maturities and to lend only at floating rates. Water system assets are, on the other hand, long term by nature and should be paid for over their service life. Also, floating interest rates play havoc with systems which are generally unable to adjust user charges with the speed and frequency required to match loan payments. Furthermore, bankers are loath to lend against assets which cannot readily be repossessed and sold at a high percentage of original cost. Water mains, storage tanks and treatment facilities hardly fit this bill. Notwithstanding the negatives, there are two inherent major positive aspects of water system economics: people cannot survive without water; and, although the system itself may be the entity which is the legal borrower, it is to the system's many users that a lender might actually look for repayment. What is needed is a new financial regime which maximizes the inherent strengths of water system credits and minimizes their weaknesses.

Such a new financial regime would necessarily begin at the local level. Here, it is proposed that local water systems band together to form what might be termed credit cooperatives. The strength at the local level is the knowledgeability of system operators as to need, reasonable water charges, operating costs as well as environmental factors. Participating systems would borrow through the cooperative and knowledgeable local operators would constitute its credit committee. The financial basis of the cooperative would be that each participating system would borrow a fixed percentage more than it needed for its project. The overborrowing would be retained by the cooperative as pledged security for all of the loans of all of

the participating systems. In addition, the cooperative would require that the water charges of the participating systems be paid directly by the users to a bank or other fiduciary which would also be the cooperative's loan administrator.

Three factors inherent in the local cooperative structure—the indispensability of water, the intermediation of user charges, and the pooled first loss reserve provided by the overborrowed funds—combine to create a truly powerful credit device, even for relatively undeveloped areas.

The local cooperative would fund members' loans by borrowing from a regional or national cooperative of which the local cooperative would be a participating member. The structure of the regional or national cooperative would be identical to that of the local cooperative. It would, in fact, be a cooperative of cooperatives.

The regional or national cooperative would, in turn, obtain its funds from an international credit cooperative which would also be of identical structure and which might be called a World Water Resources Bank. This institution would obtain its funding directly from the international credit markets, where it would borrow at long terms and at fixed rates. Such funds would be passed through to the intermediate national or regional credit cooperatives, which would pass funds to the local cooperatives and thence to the individual system borrowers. The fixed rates would assure stability of local user charges and the system's financial planning. The long term on the debt would have the doubly beneficial effect of minimizing user charges while spreading payments over the long service life of system assets.

Can such a structure work? It already does. The process is called security intermediation and through it an investor in Jakarta, Indonesia, can today buy an undivided participating interest in a home mortgage in Muleshoe, Texas, U.S.A. With wide private ownership of homes in the United States, home mortgage payments are considered highly secure. Despite whatever financial hardships a homeowner may endure, keeping the home itself is regarded a virtual necessity. Likewise, the Farmers Home Administration of the U.S. Department of Agriculture has made over 30,500 loans to small, rural water systems over the last fifty years. Fewer than 20 of such loans have defaulted. Again, this extraordinary phenomenon is widely attributed in large part to the essential nature of basic water service. In short, no matter how precarious the finances may be of an individual homeowner or payer of water charges, collectively such credits have an excellent history. By effectively collecting larger and larger bases of water system users, through an expanded network of credit cooperatives, this historical creditworthiness can be made to work for the benefit of all.

Is such a process cost effective for the local water system? Even if the local system loses (through the defaults of other systems in its cooperative) its entire overborrowing, such a process would still be cost effective. A reasonable overborrowing amount would be 10 percent. By accessing the international credit markets, the system should be able to reduce its rates by more than 10 percent. Furthermore, by just being able to borrow for a twenty year term instead of a five year term, the system would be able to reduce its annual payment burden by up to 56 percent.

In summary, providing safe drinking water to the poorest and most remote areas will always be the direct burden of government.

But, if the need for clean drinking water is ever to escape the lengthening queue for scarce government resources, there must be an alternative source of funding, at least for systems of even modest financial viability. On the other hand, the long-term, fixed-rate financial needs of small water systems are anathema to the modern banking industry. Finally, the international credit markets which specialize in such funding are in today's world unreachable. A World Water Resources Bank, however, sitting atop a series of concentric circles of security intermediation mechanisms such as regional and local credit cooperatives, could access the international credit markets. This would then be a private structure to obtain the long-term, fixed-rate capital which local water systems need to reach their goal of providing safe drinking water to the people of the world.

A TRIBUTE TO CLAIRE L.
SOKOLOWSKI

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and honor Claire L. Sokolowski for her many years of distinguished service on behalf of the Arundel Hospice and the Arundel Hospice Foundation. Her outstanding achievements as a volunteer with the hospice have contributed significantly to the patients that the hospice serves. Ms. Sokolowski is retiring after many years of exemplary involvement on behalf of terminally ill patients. The hospice has provided much needed care and services for these patients in their homes.

Ms. Sokolowski's many years of selfless dedication and unwavering commitment have been an invaluable service to the community. I speak on behalf of all of the hospice's patients and the residents of my district who are grateful to Ms. Sokolowski for the work she has done.

Thank you Claire from myself and the citizens of our community for all you have done on behalf of the Arundel Hospice. We all will miss you very much and the work you have done. Your involvement with these patients is a glowing example of all of the wonderful things that can be accomplished through active citizen involvement.

IN HONOR OF CLIVE E.C.
BANFIELD

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. de LUGO. Mr. Speaker, I rise to commend Clive E.C. Banfield, a man who for three decades has helped make the Caribbean the destination of choice for millions of visitors to the region.

I am proud to have known Clive since he came to the Virgin Islands over 30 years ago and met and married a close acquaintance,

Helen Hay, two people I am happy to count today as my dear friends.

Clive has been in commercial aviation for 35 years, 27 of them involving Puerto Rico. As the highest executive in the Caribbean for Delta Airlines, Clive possibly has done more than any other single person to lay the groundwork for the expansion of the tourism industry there.

Although Delta does not service directly my district, the U.S. Virgin Islands, Clive lives in St. Thomas with his wife Helen, and truly serves as an ambassador for all the Caribbean Islands.

With the many changes now occurring in the airline industry, Delta appears to be in a position of strength, and particularly in the Caribbean, due in no small part, I am sure, to the presence of Clive Banfield. As the man in charge of marketing, he has a perspective on the industry and the forces of change as perhaps few others in the region have. Clive has traveled extensively throughout the Caribbean and the world. He knows the traveling public, he knows the destinations where they go, and he knows well the techniques of marketing and sales that brings the two together.

In this day and age of conglomerate corporations which often appear to eliminate the human factor, Clive Banfield is an important link, a man who brings the personal touch to Delta Airlines, to Puerto Rico, and to the Caribbean region.

Mr. Speaker, today I express my appreciation to Clive Banfield, a man who has played an integral role in the airline industry and in the development of the Caribbean as a tourism destination. He has been an ambassador who has not only served Delta with distinction, but has done so for people throughout the Caribbean and all over the world.

STACI C. PORTER COMPLETES 2
SCHOOL YEARS IN 1, BUT MAIN-
TAINS HONOR ROLL RANKING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SOLOMON. Mr. Speaker, those of us who lament the state of education in America often fail to see the many examples of academic excellence. I'd like to tell you about one of them.

Staci C. Porter of Gansevoort, NY, will be graduating from Schuylerville Central School on June 24. But Staci is not your typical high school graduate.

She completed 2 years in 1.

Staci Porter carried nine subjects throughout the year, giving up her lunch hour every day, and still made the honor roll all year.

Her family is justifiably proud of her. So am I. And so should we all be to know that among today's young people there are those like Staci Porter who strive to excel.

We can look forward to impressive things from Staci Porter in the future. Let us rise today to pay tribute to that future, and to a very remarkable young lady.

HIGH SPEED RAIL AND HIGHWAY
TRAFFIC SAFETY PROGRAM

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to introduce the High Speed Rail and Highway Traffic Safety Program of 1991. The companion bill to this legislation—S. 1065—was introduced on the Senate side by my good friend and colleague Senator PAUL SIMON and already enjoys broad, bipartisan support.

June 30, 1991 marks the 1-year anniversary of a fatal railroad-crossing accident in Lockport, IL. This accident is especially tragic because the four fatalities could have been prevented.

On June 30 of last year, four teenagers were killed when they drove their car around railroad gates and into the path of a speeding Amtrak passenger train. Although the safety gates at this crossing frequently malfunctioned, they were reportedly working properly that fateful Saturday night. The parents of one victim, Zachary Zeller shared the following thoughts: "Zach was not irresponsible. He made a serious mistake, but this was not a freak accident. It was an accident that was just waiting to happen and we were the unlucky ones. He does not deserve to bear the responsibility of this accident alone." Statistics support Mr. and Mrs. Zeller's contention.

According to the Federal Highway Administration [FHWA], over 50 percent of level crossing accidents happen while gates are activated and roughly 10 percent occur when motorists drive around lowered gates, particularly when gates are down longer than normal. In 1989 and 1990, 1,492 people died in railroad crossing accidents. This represents the highest 2-year total in the decade and is 25-percent higher than the average for the previous 8 years. The States with the highest number of crossing accident deaths were Texas, Illinois, and Ohio.

STATES WITH 50 OR MORE RAIL-HIGHWAY CROSSING
FATALITIES (1989-90)

	Fatalities	Crossings	Rate ¹
State:			
Texas	186	13,582	13.7
Illinois	130	10,908	11.9
Ohio	124	8,670	14.3
Indiana	82	7,744	10.2
California	82	8,485	9.7
Florida	65	4,205	15.5
Louisiana	55	4,443	12.4
Missouri	54	5,320	10.2
Michigan	53	6,330	8.4
Arkansas	51	3,441	14.8

¹ Fatalities per 1,000 crossings.

Source: Federal Railroad Administration.

The dramatic increase in railroad crossing fatalities can be attributed, in part, to increased train speeds along various corridors. In fact, the number of people killed by trains traveling over 40 miles per hour shot up 43 percent between 1980 and 1989. There is no question that we must work harder to eliminate at-grade crossings if we want to reduce deaths and injuries. By making these necessary safety investments, we are also paving the way for future high speed rail systems.

Currently, there are a number of high-speed rail routes being studied including the Chicago-St. Louis corridor. Most organizations promoting high-speed rail systems agree that grade separations are essential for trains traveling over 100 miles per hour. When Amtrak decided to run passenger trains at speeds over 125 miles per hour in the publicly-owned Northeast corridor—Washington-New York-Boston—it was able to eliminate all but seven level crossings. Regrettably, this is not the case for other high-speed rail routes being considered on existing rights of way.

We have made progress, but more work needs to be done. The Grade Crossing Safety Program contained in section 130 of title 23 has been successful in making 30,000 level crossing safer either through improved signal systems or grade separations. These sorely needed improvements have saved roughly 5,000 lives and an estimated 20,000 injuries since 1974, according to the 1988 annual report on highway safety. I strongly support this program.

My bill is not intended to replace section 130. Rather, it would supplement the Grade Crossing Safety Program by providing Federal resources to build grade separations which would pave the way for high-speed rail systems throughout the country. The High-Speed Rail and Highway Traffic Safety Program of 1991 provides \$5 million for fiscal year 1992 for State planning in consultation with local communities and private railroads with a matching ratio of 100 percent and \$300 million a year for fiscal years 1993, 1994, 1995, and 1996 at a 90-percent match. This should provide the necessary resources for grade separations and other safety improvements in 8 to 10 rail corridors selected by the Secretary of Transportation. Like section 130, my bill would be financed through the highway trust fund.

As a member of the House Committee on Public Works and Transportation, I will be working with the committee leadership to include provisions of this legislation in the 1991 highway reauthorization bill. Support for high-speed rail has quickly gained momentum—the technology is here. I urge my colleagues to join me in this effort to save lives, conserve energy, improve intermodalism, and protect the environment through the promotion of high-speed rail.

A TRIBUTE TO MICHAEL BERRIGAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to bring to my colleagues' attention the exemplary career of a Sacramento area educator, Mr. Michael Berrigan.

He began his career as an elementary teacher in the Sacramento Unified School District in 1963, just 9 years after immigrating to the United States from Ireland. He went on to earn his master's degree and to work in the administration of the school district. From 1973 on he has been the director of consolidated programs for the Sacramento Unified School District.

Next Tuesday, Mr. Berrigan will be celebrating his retirement which will take place July 15, 1991, after almost 30 years of service to our community. His efforts to improve the education of our students will be sorely missed, but his spirit and desire will be the example that future school administrators can follow through the difficult times in the future.

Mr. Speaker, I know that my colleagues join me now in saluting the career of a distinguished citizen educator and in thanking Mr. Berrigan for being a true American success story.

THE 73D ANNIVERSARY OF ARMENIAN INDEPENDENCE DAY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. MAVROULES. Mr. Speaker, last Friday, June 7, I commemorated the 73d anniversary of Armenian Independence Day and encouraged dialog and cooperation in reaching a peaceful settlement in the region. Unfortunately, a typographical error commemorated the 75th anniversary of Armenian Independence Day. I hope my colleagues will reread my statement that appeared on page 14021 with the corrected date in mind.

TRIBUTE TO ELEANOR FAIRBANKS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Eleanor Fairbanks of my 17th Congressional District of Ohio, who was chosen to receive the Teacher Achievement Award.

For the past 3 years Ashland Oil, Inc. has recognized and rewarded the exceptional accomplishments of 10 teachers from Ohio, Kentucky, Minnesota, and West Virginia. A panel of education experts judged the nominations on the criteria of philosophy of teaching, classroom teaching innovations, and community service. Eleanor was chosen as 1 of the 10 recipients from more than 6,000 nominations from four States.

Ms. Fairbanks began her lifelong dream of teaching after receiving her bachelor's degree in education from Kent State University and her master's degree from the University of Dayton in 1983. She also received a certification in data processing from Kent State University.

Ms. Fairbanks has combined her knowledge from data processing course work with math in the classroom. She utilizes computer exer-

cises to supplement textbook lessons. This innovative technique of learning has instilled in the students a real feeling of pride and success. This positive means of strengthening and improving education is the kind of quality education that Ashland Oil recognizes.

Mr. Speaker, I would like to take this opportunity to recognize the better education that Eleanor Fairbanks strives to provide for her students and the exceptional achievements which enabled her to receive the Teacher Achievement Award. It is truly an honor to represent this dedicated individual.

EXPLANATION OF ABSENCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. GUNDERSON. Mr. Speaker, unfortunately I was unable to be present in the House during votes on the Solomon amendment to the Intelligence Authorization Act, and on final passage of banking legislation.

I wish to note for the record that my absence was unavoidable, due to a personal family matter which required my presence back home in Wisconsin.

I would like the record to reflect this fact as an explanation to those I represent in the Third District, and I appreciate the Speaker's consideration of this matter.

TRIBUTE TO FRED MANSOUR

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. RAY. Mr. Speaker, I rise today to pay tribute to a businessman from the Third Congressional District who was recently honored by an in-depth news article in the Columbus GA, Ledger-Enquirer. Mr. Alfred "Fred" Mansour, Jr., is president and chief executive officer of Mansour's, an upscale clothing store that sits on a whole city block in downtown LaGrange, GA.

Seventy-four years ago, Fred Mansour's grandparents came from Lebanon and founded a dry goods store on the square in LaGrange. Since that time the store has thrived, and the business has expanded—currently with a store in Columbus and with one opening in Albany in October.

This success has not been easy. Fred Mansour tells of the days when his high school friends were driving around in cars while he stocked shelves and swept floors. But the work has been enjoyable.

Many members of the family have learned the clothing store trade within this family-oriented business, and have stayed within the organization or formed a related store.

Mr. Speaker, it is business people like Fred Mansour, and the whole Mansour family, who have made American small business the best in the world. I congratulate them on their success.

IN HONOR OF 100 YEARS OF ST.
JOHN'S CHAPEL

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to St. John's Chapel on the occasion of its 100 years on the Monterey Peninsula.

As St. John's Chapel concludes its first century of existence on the Monterey Peninsula, the members can look with pride upon its commendable success. From its romantic beginnings as a tiny chapel serving the guests of the fabled Hotel Del Monte to its growth into a multiservice, mid-sized parish church, St. John's has continued to preserve the evangelical message and the apostolic order. It has been a place of worship and inspiration to all who have entered this beautiful chapel.

Through two world wars, the Great Depression, and the explosive growth of the Monterey Peninsula, St. John's Parish has sunk its roots deep into the subsoil of our community. Babies have been baptized, youngsters have received the apostolic rite of confirmation, couples have been joined in holy matrimony, and residents and nonresidents alike have been spiritually nourished by the sacrament of the altar.

The chapel has always been open to all, from the wealthy to the less fortunate, from professional people and prominent social figures to members of the working class. Everyone has always been welcomed at St. John's, which has become an example of immense congregational support. Its many beautiful attributes are donations from generous supporters of the church, both spiritually and financially. These include gifts such as the stained glass window placed behind the altar, an elegant rood screen placed between the nave and the choir, the eternal lamp of brass and Lalique hanging above the altar. These are but a few examples of support throughout the last 100 years of its existence.

Parishioners of St. John's came not only from the peninsula, but also from such distant places as Santa Cruz, Hollister, Salinas, and Watsonville. There was a large number of parishioners from the military installations too, including the Defense Language Institute at the Presidio, the Naval Postgraduate School, and Fort Ord. This diverse congregation has provided emotional support to each other and to the community. In the 1970's, a nursery school was established in the parish hall. Other forms of St. John's outreach were ministering to the jail, hospitals, community handicapped, and drug and alcohol abuse programs. Money was also sent to support the various religious missionary activities throughout the world. In a full attempt to meet the increasing needs of the chapel, a Sunday school wing was constructed. A youth director was also added to lead young people in their religious relationships with others as they met for worship, held various fundraisers, and enjoyed excursions together. Junior and senior choirs have developed due to the talented nurturing of the organist director. St. John's has an active Episcopal church women's organiza-

tion, open to all women of the congregation. In 1990, a similar organization for men was established called "Men of St. John's."

These entities of St. John's Chapel have come together to form a spectacular bond for the 16th Congressional District of California. As a result of its traditional biblical stand, the membership of St. John's has more than doubled during the years of national church turmoil. Such progress remains a vindication of the strong biblical beliefs that have created a warm family church with a dynamically alive parish.

Mr. Speaker, I ask my colleagues to join me now in honoring St. John's Chapel in its centennial celebration. It is with great pride and respect that I pay tribute to the outstanding service the chapel has provided to the 16th Congressional District of California.

IN TRIBUTE TO REPRESENTATIVE
CHARLES E. BENNETT ON THE
OCCASION OF HIS 40TH ANNIVERSARY OF NEVER MISSING A LEGISLATIVE VOTE

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. BUSTAMANTE. Mr. Speaker, last week we celebrated a landmark occasion for one of our friends and colleagues, Representative CHARLES BENNETT. Forty years ago, Representative BENNETT started a string of legislative votes that remains unbroken to this day.

In his fifth decade of service to this institution, Representative BENNETT has achieved an almost perfect voting record.

That's quite an accomplishment, and that achievement says something about the man and his dedication to serving the constituents of the Third Congressional District of Florida and the interests of this great country.

It's been my pleasure to serve with CHARLES BENNETT on the House Armed Services Committee. In the 6 years I've served with Congressman BENNETT, I've always found him to be eager to help out other colleagues—always willing to be of assistance.

CHARLES BENNETT is a great man, and I'm proud to salute him on this occasion of achieving another legislative landmark in his illustrious career. Congratulations, Congressman BENNETT. I hope you continue the string for another 40 years.

NEW JERSEY PRIDE HONOR ROLL:
THE DOPE OPEN

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. GALLO. Mr. Speaker, in the fight against illegal drugs, we have been making some significant progress in the strict enforcement of mandatory sentencing for drug dealers and in discouraging production of these drugs at the source.

However, our continuing focus on community drug education and treatment programs is

where the real progress has been made, as shown by the decline in the number of young people who are experimenting with illegal drugs.

In northern New Jersey, we are very fortunate to have one of the oldest organized drug education and rehabilitation support groups in the Nation.

On June 27, this innovative organization kicks off its 23d year with the annual Dope Open event.

Long before the problem of drug abuse became the No. 1 issue nationwide, the Dope Open has been actively supporting education, prevention, and rehabilitation programs in our area.

Some 24 years ago, a group of dedicated volunteers under the able leadership of Mary Mulholland decided to do something about drug and alcohol addiction—they sponsored an aftercare clinic for individuals suffering from the most serious forms of drug addiction.

The group held its first major fundraiser 22 years ago to pay for their innovative education and treatment programs—the Dope Open Golf Tournament was born.

I played in that first tournament and have been pleased to participate since that time.

Because of this group's early leadership, we had programs in place in our area before the Federal and State governments became involved and were ready and able to dovetail existing programs with those eligible for Federal support.

The Dope Open has raised \$720,000 since inception, and has attracted \$3.5 million in matching funds.

Among the worthwhile projects that have resulted from these pioneering efforts are Hope House, providing rehabilitation services for the last 18 years and sponsorship of the annual Senior Citizen Drug Awareness Conference with support from local companies.

On February 26 of this year, the organization dedicated the Everett Hatcher Substance Abuse Counseling Center at Hope House to honor the memory of drug enforcement agent Everett Hatcher, who was killed in the line of duty in 1989.

In December 1989, 200 students, coaches, and school officials attended a seminar on steroid abuse sponsored by the Dope Open.

This innovative community effort also provides underwriting for other worthy projects, including the Center for Addictive Illness, Crime Stoppers, the Battered Women Program, the Pride of Newark education program for the 10th year, and the DARE Program to involve law enforcement officers in education efforts.

Community support for project DARE sends a clear signal to the drug pushers. With local support, our towns are saying loud and clear that the best way to stop drug abuse is to promote understanding—we want our children to understand the dangers of drug abuse so that they can protect themselves from the harmful effects of these substances.

Young people who participate in these education programs feel a great deal of pride in their accomplishments, but they should also understand something else as well—parents, teachers, and community leaders are willing to support these important programs because

they care a great deal about the young people of their town.

I have been a consistent supporter in Congress of our national fight against drugs, but regardless of what the Government does, our antidrug efforts depend on community involvement.

Each individual who makes a personal decision to stay away from illegal drugs is increasing his or her chance to enjoy a longer and a healthier life. These individuals are also making their community a better place to live, because dealers will leave a town alone if nobody buys their drugs.

Mr. Speaker, regardless of strong Federal efforts in the fight against drugs, our success in this national effort depends on community involvement. In northern New Jersey, we are very fortunate to have the kind of dedicated community participation that make us all winners in the struggle against drugs.

A BACK DOOR BAILOUT: FEDERAL RESERVE DISCOUNT WINDOW LOANS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. KLECZKA. Mr. Speaker, during consideration of H.R. 2094, legislation this House will soon consider which would put taxpayers on the line for a \$25 billion loan to bail out the FDIC, I joined with House Banking Committee Chairman GONZALEZ and Financial Institutions Subcommittee Chairman ANNUNZIO to request data from the Federal Reserve on discount window loans to failing banks.

The Fed discount window is designed to serve a stabilizing function in the financial system by meeting the short-term liquidity needs of insured institutions. This necessary function is perverted, however, when loans are made to nonviable institutions destined for failure. In that instance, the borrowed funds can be used by the failing institution during the period just prior to takeover to allow uninsured depositors—usually those with accounts greater than \$100,000 or those holding foreign deposits—to withdraw their funds.

This unwise policy has two decidedly adverse effects in many instances. First, it increases the eventual cost to the FDIC, which must absorb the loss that uninsured depositors would otherwise have been required to share. Second, by delaying the closing of the institution, operating costs rise and asset values decline. Again, the FDIC—and this will in all likelihood mean the taxpayer—absorbs the loss.

A House Banking Committee staff study of the data supplied by the Federal Reserve in response to our request, which covered funds borrowed from the Fed discount window from January 1, 1985 through May 10, 1991, found that 90 percent of all institutions which received what is known as extended credit through the discount window eventually failed.

In addition, it appears that the Fed routinely extends discount window loans to institutions with a CAMEL rating of 5, the lowest possible rating. CAMEL is a performance rating used

by Federal regulators which measures an institution's capital adequacy, asset quality, management, earnings and liquidity, from a high of 1 to a low of 5. Incredibly, CAMEL 5 rated institutions borrowed from the Fed discount window for an average period of 10 to 12 months.

The study found that extended credit offered by the Federal Reserve appears in practice to be a form of open assistance or forbearance. When the institution finally fails, that forbearance proves costly to the FDIC fund and, ultimately, the taxpayer.

At this point, I include in the RECORD a summary of the House Banking Committee staff study on Fed discount window loans to failing banks;

AN ANALYSIS OF FEDERAL RESERVE DISCOUNT WINDOW LOANS TO FAILED INSTITUTIONS

BACKGROUND

The Committee on Banking, Finance and Urban Affairs is currently considering legislation (H.R. 2094) which would reform the process by which banking regulators handle troubled and insolvent insured depository institutions. With the collapse of the savings and loan industry estimated to cost the taxpayers \$500 billion and bank failures increasing, such reform is considered a top priority. The process must ensure that insolvent institutions are resolved in a manner which strictly results in the least possible cost to the insurance fund and the taxpayers.

There are two dimensions to implementing at least cost resolution program. The first is the pre-failure or takeover stage, which is the period prior to the formal declaration of insolvency and takeover by the regulator; the second is the post-intervention stage, which involves the process of liquidating or selling the institution and its assets. The least cost resolution program contained in H.R. 2094 alters the latter stage by revising the cost test contained in the Federal Deposit Insurance Act to (1) ensure that all institutions are in fact resolved in the least costly manner, (2) prevent the insurance coverage of uninsured deposits, and (3) abolish the too-big-to-fail doctrine.

The pre-failure stage is modified by curtailing excess regulatory discretion to keep open insolvent institutions long beyond the point of viability. The program requires prompt regulatory action, as set forth in H.R. 2094, to promote the rehabilitation of a failing institution. But if the institution becomes insolvent, then the regulator must act in a timely manner to place the institution in conservatorship or receivership so that additional losses are limited.

The question then arises to the extent to which the least cost resolution program is circumvented by the lending practices of the Federal Reserve discount window. The discount window serves an important stabilizing function by satisfying the short term liquidity needs of viable depository institutions. Under the Federal Reserve Act the discount window can be used for seasonal, adjustment or extended credit needs. Our analysis shows that when a nonviable or insolvent depository institution receives open-ended extensions of credit at the discount window in order to remain open long beyond the point of viability, then the Federal Reserve is effectively increasing the cost of ultimately resolving the institution.

Since discount window loans are at least 100% collateralized, the Federal Reserve assumes no risk of loss and has no incentive to shut the window and contain the insurance funds' losses. The collateral is in the form

U.S. Treasury notes, other government securities, commercial loans and other assets.

The borrowed funds can be used by the institution during the pre-takeover period to allow uninsured depositors to withdraw their funds. The insurance fund must then absorb the loss that these account holders would have otherwise been forced to share. In addition, the delay in closing the institution causes operating losses to escalate and increases losses from the decline in asset values.

In order to better understand the practice and pattern of Federal Reserve discount window lending and its impact on the regulatory treatment of insured depository institutions, the Banking Committee requested and received from the Federal Reserve extensive data on the scope of discount window lending to insured depository institutions.

SUMMARY

The Committee requested data on all insured depository institutions which borrowed funds from the discount window from January 1, 1985 through May 10, 1991. The information was divided into two groups: Group 1 consisted of institutions which had been placed into conservatorship or receivership, or received assistance under Section 13(c) of the Federal Deposit Insurance Act, and Group 2 consisted of all other institutions. The requested information included a schedule of the type and amount of loans extended, the CAMEL ratings of each institution, and the amount and type of collateral taken. A copy of the letter requesting the information is attached as Exhibit A.

An analysis of the data supports the following findings:

1. 90 percent of all institutions which received "extended" credit subsequently failed.
2. The Federal Reserve routinely extends credit to institutions with a CAMEL 5 rating.
3. A CAMEL 5 rated institution which borrowed from the discount window remained open for an average period of 10-12 months.
4. Borrowing from the discount window increases dramatically as an institution's financial condition deteriorates.
5. The Federal Reserve takes the highest quality assets of the institution in an amount substantially in excess of the loan amount as collateral.

STATISTICAL ANALYSIS

Group 1, the insured depository institutions which borrowed from the discount window within three years of failure, consisted of 530 institutions. Group 2, all other institutions which borrowed for five or more consecutive days, consisted of 2,460 institutions. Group 1 institutions, 87 (or 16 percent) had assets greater than or equal to \$100 million, and 443 (or 84 percent) had assets less than \$100 million.

Discount Window Loans. The Federal Reserve categorizes discount window loans into three types: seasonal, adjustment, and extended. A Federal Reserve description of each one is attached as Exhibit B. A summary of the use of each by the failed institutions follows:

320 (or 60 percent) of the Group 1 institutions were borrowing at the time of failure.

292 Group 1 institutions were borrowing extended credit at the time of failure.

26 Group 1 institutions were borrowing adjustment credit at the time of failure.

2 Group 1 institutions were borrowing seasonal credit at the time of failure.

Extended Credit. The borrowing patterns of Group 1 institutions reveal that prior to fail-

ure, many insolvent institutions will enter into a period of continuous or intermittent extended credit borrowing well beyond the short term periods viable institutions will need to borrow for liquidity purposes. The outstanding amount increases daily as the balance due is rolled over with new borrowings. 418 (14 percent) of the 2990 institutions studied received extended credit. 377, or 90 percent, of these 418 institutions subsequently failed. Thus, the extended credit offered by the Federal Reserve appears to operate in practice as a form of open assistance or forbearance.

CAMEL Ratings. The term "CAMEL" represents the following performance standards: Capital adequacy, Asset quality, Management, Earnings and Liquidity. The ratings given to an institution range from a high of 1 to a low of 5. A description of what each level of CAMEL rating represents as far as the health of an institution is contained in Exhibit C.

The reported CAMEL ratings of Group 1 institutions at the time of failure were as follows:

	Percent	
CAMEL:		
5	437	82
4	51	10
3	11	2
2	5	1.1
1	1	.2
Not available	25	4.9
Total	530	

The length of time an institution with a CAMEL 5 rating was allowed to remain open ranged from less than a month to as long as 56 months:

Months:	Number of institutions
0-3	74
4-6	53
7-9	62
10-12	92
13-15	58
16-18	37
19-21	28
22-24	16
25-27	2
28-30	5
31-33	2
34-36	7
56-58	1

The average length of time that an institution with a CAMEL 5 rating was allowed to remain open was 10-12 months.

Amount of Credit. Regarding the amount of credit extended:

320 Group 1 institutions had a total of \$8.325 billion in Federal Reserve loans outstanding at the time of failure.

\$7.943 billion of this credit was extended when the institutions were operating with a CAMEL 5 rating.

According to one Federal Reserve Bank document, the Banks normally received notice of composite CAMEL 1, 2 and 3 ratings with a 4 to 6 month lag from the time of examination; however, composite CAMEL 4 and 5 ratings are normally known with little lag time as a result of simultaneous holding company inspections or conversations with regulators. Peak borrowing for all 530 Group 1 institutions in the three months prior to failure totaled \$18.1 billion.

Representative case studies (Summaries, See Appendix for detailed information)

First Republic Bank Dallas, N.A. (Dallas, TX). With assets of \$16,379,600,000, this was the largest institution in Group 1. Its borrowing from the discount window began on March 15, 1988, with an extended credit loan in the

amount of \$2.6 billion. The loans continued uninterrupted for 4½ months until First Republic was closed on July 29, 1988. Peak borrowing during this period was \$3.275 billion and its last CAMEL rating was a 3 on September 30, 1986. The collateral taken was customer notes, and commercial and industrial loans with a book value of \$6.4 billion and Federal Reserve estimated "lendable" value of \$4.0 billion. The book value of the collateral represented 39% of the bank's assets.

Boston Trade Bank (Boston, MA). Boston Trade Bank was a medium-sized institution with assets of \$352.9 million, which failed on May 3, 1991. It illustrates the classic scenario of a financially deteriorating institution which begins borrowing from the discount window at the same time the regulator gives it a CAMEL 5 rating. The uninterrupted borrowing increases for five straight months until it is finally closed with outstanding loans of \$53.6 million, representing 15% of its assets.

First State Bank of Elgin (Elgin, OR). The majority of the institutions using the discount window to delay closure were small, such as this one with assets of \$17.3 million. It operated at a CAMEL 5 rating for two years and was borrowing extended credit from the discount window every day during its last 12 months of operation.

Bank of New England (Boston, MA). BNE was the second largest in Group 1 with assets of \$13.9 billion when it was declared insolvent on January 6, 1991. Peak lending reached \$2.265 billion over a six month period before a plan of major asset sales and borrowing from affiliates was implemented to replace discount window borrowing. Also, the institution's liquidity position was aided by Department of Treasury deposits of tax receipts.

Lincoln Savings and Loan Association (Irvine, CA). Lincoln S&L had assets of \$2,752,800,000 at the time of receivership and was responsible for an estimated \$2 billion loss to the taxpayers. Since the institution was placed in conservatorship on April 14, 1989, rather than receivership (which was done 4 months later), uninsured depositors were allowed to withdraw their funds without taking a loss. Federal Reserve loans as high as \$98 million over the four month conservatorship period facilitated these withdrawals.

The First National Bank and Trust Co. (Oklahoma City, OK). This is another example of the discount window being used to keep open insolvent institutions. The bank obtained uninterrupted credit for over one year with peak lending of \$344 million, all the while operating with a CAMEL 5 rating. The peak loan amount represented 22% of the bank's \$1.6 billion in assets when it failed on July 17, 1986.

First State Bank (Abilene, TX). This bank received three consecutive CAMEL 5 ratings and was kept open for 17 months before it was placed in receivership on February 17, 1989. Consecutive discount window borrowing began with a \$4 million extended loan on May 12, 1988 and ended ten months later with a balance of \$95.2 million, or 35% of the bank's \$262.3 million in assets.

TRIBUTE TO NATHANIEL COLLEY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Nathaniel Colley, a truly great man who has dedicated over 40 years of his life to promoting civil rights in the United States.

Although he was born a poor farm boy in Alabama, Nathaniel Colley's passion for truth and knowledge drove him to achieve. During the Great Depression, Mr. Colley worked his way through Tuskegee Institute as a garbage collector, somehow still finding time to graduate first in his class. He gained his first experience in the civil rights fight when, as the only black student in his class at Yale Law School, he served as the chairman of the Legal Redress Committee of the New Haven chapter of the NAACP. Here Nathaniel Colley made a name for himself by challenging Connecticut's "Okie" law, which permitted the State to deport persons who applied for relief within 4 years of their entry into Connecticut.

In 1948, Nathaniel moved to Sacramento with his wife Jerlean, a native of the area, and opened his law office as Sacramento's only black attorney. Just 2 years later, his successful defense in the James Monroe murder trial earned him headlines across the Nation. By the time Nathaniel Colley had achieved a successful law practice and made several appearances before the Supreme Court in landmark cases, his reputation had spread all the way to the White House. President Kennedy was so impressed by Colley's accomplishments that he asked him to conduct a study of discrimination at a number of international U.S. Army installations.

As the first black member of the State Board of Education, Nathaniel Colley led the fight against the distorted portrayal of blacks in California history text books. Due in large part to his efforts, textbook publishers nationwide were forced to give a fairer representation of the role of black's in American history. Colley's position also allowed him to attack and eliminate de facto segregation in the State's schools. Significantly, it was his proposal that became the basis for the California Supreme Court decision allowing affirmative action programs to be used to desegregate schools.

Colley has faithfully served the NAACP as a member of the national board and is currently the organization's general counsel for the western United States. He is also the chairman of the statewide California Committee for Fair Practices. Previously, Mr. Colley declined offers by President Kennedy to become the United States Ambassador to Nigeria and Governor Brown to be nominated to the Superior Court.

The city of Sacramento, indeed the entire United States, is in a far more equitable position thanks to the work of Nathaniel Colley. I ask that my colleagues join me in saluting this champion of the civil rights movement.

A LIFELINE FOR RHODE ISLAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. REED. Mr. Speaker, I rise today in support of emergency legislation for Rhode Island introduced by the distinguished chairman of the Banking Committee, Representative HENRY B. GONZALEZ.

For over 6 months, thousands of Rhode Islanders have been without access to their savings. On January 1, the Governor of Rhode Island closed 45 privately insured banks and credit unions when the State's private insurance fund, RISDIC, failed. Over 350,000 accounts and \$1.7 billion in deposits were frozen. This crisis has affected a greater percentage of Rhode Island's population than any bank crisis in history, including the Great Depression.

Although many of the smaller institutions have qualified for Federal deposit insurance and reopened, the larger credit unions remain closed. Over 150,000 accounts and \$1 billion still remain frozen.

The State assumed responsibility for dealing with the collapse of RISDIC and developed a plan, the Depositors Economic Protection Corporation [DEPCO], to repay depositors. Estimates of the potential cost to the State vary widely, but could cost hundreds of millions of dollars.

The credit union crisis and a State budget crisis are taking place within the context of a deepening regional recession. The small State of Rhode Island has shown its susceptibility to the economic downturn of the region. The unemployment rate as of February 1991 in Rhode Island was 8.5 percent, as compared to 6.5 percent nationally.

Between January 1, 1990 and January 1, 1991, Rhode Island has lost nearly 10,000 jobs, mainly in the areas of manufacturing, retail and construction. There has been a 56 percent increase in the number of bankruptcies filed between March 1990 and March 1991. In the past 2 years, Rhode Island has fallen to 48th among the 50 States and the District of Columbia in job growth.

For 6 months now, the State has been paralyzed and people's lives have been put on hold. Thousands of senior citizens who have saved all their lives for their "golden years" now find themselves without access to their funds. Small businessmen are struggling to meet their payrolls and other expenses and may be forced to close their businesses. Young adults who have saved for their college education have returned to school for their spring semester to find they could not access their savings to pay for tuition.

In the wake of this crisis, I have been meeting with my colleagues to alert them to the magnitude of this crisis. Representative CARROLL HUBBARD recognized the seriousness of this crisis and granted my request for a hearing before his Subcommittee on Oversight and Investigations on April 24.

Banking Chairman HENRY B. GONZALEZ also understood the depth of the crisis in my State and brought the Banking Committee to Rhode Island to explore what role the Federal Gov-

ernment could play. After holding a hearing in Rhode Island and seeing the thousands of depositors who continue to suffer, Chairman GONZALEZ pledged to help our state. Today, he has introduced the Rhode Island Emergency Assistance Act of 1991. This legislation includes an emergency loan of \$150 million as well as an emergency loan guarantee whereby the Federal Emergency Management Agency [FEMA] will guarantee the repayment of up to \$350 million borrowed by the State or DEPCO.

This legislation represents a lifeline for Rhode Island. Congress has shown its willingness to lend assistance to States that have been struck by natural disasters. Without some type of Federal economic assistance, Rhode Island is in danger of becoming an economic disaster. It is certainly in the best interest of the nation for the Federal Government to help restore stability to financial institutions and to the State of Rhode Island before further economic and social deterioration occurs.

TRIBUTE TO A.W. "ARCHIE" SINGHAM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. DELLUMS. Mr. Speaker, tomorrow is a special day of commemoration and celebration for a life well-lived in service to others. Citizens of conscience from across the land will be gathering in Washington to honor Prof. A.W. "Archie" Singham in all his roles—as a committed humanist, and as teacher, scholar, activist, husband, father, and friend.

Archie was one of those rare persons about whom it can be truly said that he was a citizen of humanity. His family history and global peregrinations, often under the most trying conditions, were living testimony to the indefatigability of the human spirit. More important, these travails enabled him to live a life committed to the proposition, in word and deed, that true humanity and brotherhood can transcend the limitations of race, creed, gender, national origin, or political persuasion.

We were all fortunate to have Archie as a teacher, in or out of the classroom. He taught by example and informed dialog, sharing his love of learning and people with all who came in contact with him. His wisdom came not only from books, but from his life experiences and world travels, and his uncanny ability to listen to what others, in and out of power, were saying to him, about any given issue.

As a scholar, Archie was in the forefront of serious research and publication on the politics of emerging nations in the Third World. Unlike too many of his contemporaries who wrote about contemporary international politics, Archie was able to get beyond the tunnel vision of those who viewed the Third World in the international arena almost exclusively through the prism of cold war superpower rivalries. The book that he coauthored with his wife, Shirley, "Non-Alignment in the Age of Alignment," was truly a path-breaking effort in this respect.

As a committed activist for peace, disarmament, and human rights, Archie was both unyielding on principle and unrelenting in his efforts to make a more peaceful world for his children and all God's children. It is sadly ironic that we will be honoring his memory tomorrow, because it also happens to mark the ninth anniversary of the greatest peace demonstration in America history—the nuclear freeze rallies of June 12, 1982, in which he played a significant leadership role from the outset.

Only Shirley and the children can truly speak to Archie's full role as husband and father, but those of us who knew him know how much he treasured them, and how proud he was of their accomplishments. He loved them to the end—with the last full measure of devotion.

Those of us who were proud to call him a friend have only our memories to cling to and cherish in the months and years ahead. Who can forget his prelude to those witty monologues—"Let me tell you a story, friend * * *"? And who can ever forget that radiant smile, and that bubbling laugh that emanated from so deep within, and which washed over us like a fresh, incoming tide?

Yes, Archie was truly *sui generis*—one of a kind in the best sense of the term. He was an international treasure, who leaves a legacy of the love and principled commitment to the best in the human spirit. Let us honor his memory by picking up his fallen standard and carrying on with equal passion and principle to achieve the lofty goals for which he lived and died.

PROTECT UTAH'S SPECIAL BEAUTY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. OWENS of Utah. Mr. Speaker, I would like to enter into the RECORD the following letter, written by Marian Young Morgan, a granddaughter of Brigham Young, Utah's founding father. The sentiments of this letter, as printed in the *Desert News* on June 10, 1991, express far better than I can some of the deeper reasons for preserving a large portion of Utah as wilderness for future generations. Brigham Young's prescience and wisdom concerning the proper stewardship of our land has obviously been passed on to his granddaughter and I am pleased to share this letter with my colleagues, 80 of whom are already supporting the wilderness bill I have proposed.

PROTECT UTAH'S SPECIAL BEAUTY

To the editor:

I am Marian Young Morgan, age 92. Brigham Young was my grandfather. My late husband, Orson Morgan, was a grandson of Orson Pratt. My Utah roots go deep.

"This is the place." When my grandfather uttered these now famous words near the mouth of Emigration Canyon, he knew that he had helped to guide the Saints to a truly unique land. "You are here commencing anew," he said to him, "The soil, the air, the water are all pure and healthy. Do not suffer them to become polluted with wickedness."

My grandfather knew that God created the things of the natural world to a perfection and that mankind could not improve upon the beauty.

I think about this when I consider what we should do about protecting the special beauty of Utah. Where else in the world are there such exquisitely carved canyons and rock formations of every description? All around us civilization is gobbling up the wild places of the world. I believe something must be done to protect those parts of Utah that remain as wild as when the Saints first set eyes on them.

I have learned that Rep. Wayne Owens has proposed to make wilderness areas out of 5 million acres of the beautiful land of Utah, land that belongs to all of us. I for one am glad that he is doing it, and I pray that he is successful.

I know some people don't like the idea of wilderness protection, but I think they are mistaken. After all, the land is wild now . . . what could possibly be wrong with using the law to help keep it that way? We have all seen the damage that can occur in unprotected areas.

I know that there are some people in Utah who believe they should have a special say in what we do with these wild places. They seem to want to control the land themselves without consulting the rest of us.

Perhaps this is what my grandfather had in mind when he asked: "Are you not dissatisfied, and is there not bitterness in your feelings, the moment you find a canyon put in the possession of an individual, and power given unto him to control the timber, wood, rock, grass and, in short, all its facilities? Does there not something start up in your breast that causes you to feel very uncomfortable?" We all should have a say in how we protect these lands; not just the people who live near them.

Those of us living today have a special responsibility to those who follow us. For we have had our time to enjoy Utah's special beauty. Let's do the very best we can to save it for younger generations to enjoy.

MARIAN YOUNG MORGAN.

SEAL BEACH, CA

INTRODUCTION OF THE TARGETED DISLOCATED WORKERS ASSISTANCE ACT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. CHANDLER. Mr. Speaker, a worker who loses his or her job to an industry in decline, with little or no prospect for reemployment, is in one of the most difficult situations imaginable. Such a worker, whether employed in the sawmills of the Pacific Northwest, the automobile plants of the Midwest, or the oil rigs of the Southwest, frequently possesses skills which are unique to his or her industry and not easily transferable to another profession.

An adequate and stable timber supply is, of course, the best way of ensuring a secure job for the people of my State who derive their living from the woods. But for those who already have lost their jobs or, unfortunately, will lose their jobs to Federal or court-imposed mandates to protect spotted owl habitat, Congress should extend a helping hand.

The Nation's Unemployment Insurance [UI] Program, which is designed to foster reemployment opportunities for the unemployed, is clearly in need of improvement to better assist these displaced workers to qualify for new employment opportunities.

Additionally, Mr. Speaker, State governments need greater flexibility to address the particular needs of these dislocated workers and additional resources to help those who are not eligible for benefits under current law, but in need of assistance nevertheless.

Above all, those of us in Congress need to ensure that these proud and determined people are able to provide for their families while they work to better train and educate themselves. Given limited resources at both the State and Federal levels of government, we must target additional assistance to those dislocated workers most in need of a helping hand.

Mr. Speaker, the Targeted Dislocated Worker Assistance Act, which I am introducing today, provides workers with up to 26 weeks of additional unemployment compensation while they seek new job training or education. My legislation also provides additional assistance for the cost of such training, as well as help with rent or mortgage payments and reimbursement for relocation costs.

The Targeted Dislocated Worker Assistance Act also amends current law to provide the States with additional resources under the Job Training Partnership Act, and with greater flexibility to spend federally distributed funds on retraining and support services such as child care, home costs, and health insurance.

Mr. Speaker, displaced workers do not need welfare. They need a fair shake. By targeting precious few Federal dollars to those dislocated workers most in need of new skills and assistance, my legislation extends a helping hand to those who wish to help themselves to provide for their own future.

COMPREHENSIVE MINING LAW REFORM LEGISLATION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. DeFAZIO. Mr. Speaker, I am introducing comprehensive mining law reform legislation. Mining is, without a doubt, an essential economic activity. But under the antiquated 1872 mining law, abuses are widespread.

The 1872 mining law allows miners to obtain title to public lands for only \$2.50 to \$5 an acre. The law has been abused by speculators who obtained inexpensive development rights to valuable public lands. In my district, the U.S. Government just lost 780 acres of the Oregon Dunes National Recreation Area to a sand mining company. The sale price was only \$1,950. Today, the company wants the Federal Government to pay as much as \$12 million for its property.

This case is not unique. A 1989 study by the U.S. General Accounting Office [GAO] cited numerous claims across the West where land speculation was evident. Out of 20 patented lands in the study, the GAO found that

the government received less than \$4,500 for lands valued between \$14 and \$48 million.

The American taxpayer does not receive a fair return for the value of the minerals extracted from public lands. Under the 1872 mining law, companies remove precious minerals without paying a penny in royalties to the U.S. Government. No other major mineral producing nation allows foreign firms free access to its mineral riches. At its Chimney Creek mine, a British firm removes 80 million dollars' worth of gold from public lands each year. The American taxpayer gets nothing in return.

The 1872 mining law does not contain environmental protection or cleanup requirements. Reclamation standards and environmental controls depend of a flimsy patchwork of other Federal and State laws. Even where decent regulations exist, they are often impossible to enforce. A 1989 U.S. General Accounting Office study found more than 420,000 acres in 11 Western States damaged by unreclaimed mining activity.

My legislation eliminates the patenting of public lands and prohibits individuals or corporations with more than 10 percent foreign ownership from mining on public lands. My bill also calls for a fair return to the public by setting the royalty rate at 12.5 percent, the same rate we apply to coal, oil, and natural gas extraction and it creates a stringent environmental and reclamation permitting process. Finally, my bill establishes a hardrock mining impact assistance trust fund comprised of 25 percent of the moneys collected from the royalty. This fund will help rural communities mitigate the impacts associated with hardrock mining and help curb the traditional boom-bust cycle of mineral development in the West.

Mr. Speaker, talk is cheap. We've had this law on the books for almost 120 years. The General Mining Act may have served the national interest in 1872, but it's out of date today.

THE DeFAZIO MINING LAW REFORM ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Sets forth the title of the Act.

Section 2: Sets forth definitions of terms used in the Act. Key terms include—gross income, claim size (max 40 acres), minimal disturbance to the environment, mineral lands, and mineral activity. Corporations with more than 10 percent of stock held by citizens of, or corporations incorporated in a foreign country shall be prohibited from mineral activities under this Act.

TITLE I—DISPOSITION OF MINERAL DEPOSITS

Section 101: Claim location and recordation:

(a) Location.—All mineral lands shall be open for claim location. The Secretary shall prescribe how such claims shall be located, modified, or relinquished.

(b) Recordation Requirements.—A claimant shall file, within 30 days, a notice of location and pay a recordation fee of \$100 per claim to the Secretary.

(c) Other Filings.—State and local location and filing requirements are preempted. However, a claimant may be required by a State or local government to file a copy of the notice with that State or locality.

(d) Rights.—Any claimant who has located, recorded, and maintained a claim in compliance with this Act has the exclusive right of possession of the land for mineral activities only.

(e) United States Interest.—The U.S. reserves all surface and subsurface rights and interest in claimed lands, including the royalty required by section 103, excepting the locatable minerals produced.

(f) Application of Other Laws.—Existing laws stay intact. Residential occupancy of a claim is prohibited unless a claimant demonstrates that residential occupancy is essential for approved mineral activities.

(g) Claim Term.—If locatable minerals have not been or are not being produced on the claim within 20 years, the claim is presumed abandoned. The claim term may be extended by Secretary for five years.

Section 102: Annual hold fee:

(a) Fee.—\$5 per acre for years 1-5; \$10 per acre for years 6-10; \$15 per acre for years 11-15; \$20 per acre for each year thereafter.

(b) Suspension.—Payment of annual holding fee is suspended when the royalty is equal to or greater than the holding fee.

(c) Failure to Pay.—Claim shall be considered abandoned if holding fee is not paid. Claimant is prohibited from locating a new claim on the abandoned claim for three years.

(d) Relinquishment.—Claimant may relinquish a claim, but claimant shall be responsible for reclamation. If relinquished for the purpose of avoiding payment, claimant may be prohibited from locating a new claim.

Section 103: Royalty:

(a) Reservation of Royalty.—Production of locatable minerals under this Act are subject to a royalty of 12.5 percent of gross income from such production, or an amount equal to the annual holding fee, whichever is greater.

(b) Payment of Royalty.—The Secretary may require parts of tax return filed with the I.R.S. to be filed with royalty payment in order to determine gross income.

(c) Computation.—'Gross income' shall be computed in the same manner as 'gross income from the property' is computed under the tax code.

Section 104: Distribution of receipts:

(a) State and Federal Share.—Receipts from royalties shall be paid to U.S. Treasury. 25% = States where locatable mineral deposits are or were located; 25% = Hardrock Abandoned Mine Reclamation Fund; 25% = U.S. Treasury; and 25% = Hardrock Mining Impact Assistance Trust Fund. Upon termination of Abandoned Mine Reclamation Fund, 33% = States, 33% = Treasury, and 33% = Impact Assistance Trust Fund.

(b) Administration of Act.—Receipts from recordation fees, holding fees, surface fees are to be used for administration of the Act.

Section 105: Assignments.—Self explanatory.

TITLE II—ENVIRONMENTAL PROTECTION

Section 201: Standard.

The Secretary shall take appropriate action to assure that all mineral activities are conducted in a manner that will minimize adverse impacts to the environment.

Section 202: Plan of operations:

(a) General.—A plan of operations shall be submitted prior to any activity causing more than a minimal disturbance to the environment. No activity may take place prior to approval of plan of operations.

(b) Contents of Plan.—Plans shall include details of operation, ownership, measures to minimize adverse impacts to the environment, reclamation plans, monitoring info, and bonding guarantees.

(c) Surface lands outside of a claim may be used for milling, processing, or benefit activities upon approval by the Secretary. Claimants shall pay a \$5 per acre surface use

fee. All activities shall be subject to reclamation standards.

(d) Plan Approval.—The Secretary may approve, require modifications to or deny a proposed plan of operations. The Secretary must determine in writing that the proposed mineral activities are consistent with land use plans, that reclamation will have a likelihood of success, and that operations will comply with all provisions of this Act and other laws. When a land use plan has not been completed or amended, the Secretary shall condition, restrict or prohibit mining activities to protect ACECs, critical habitat under the ESA, riparian and wetland areas, historical areas, or sensitive aquifers.

(e) Plan Modification.—Plan be modified at any time.

(f) Plan Expiration.—A Plan shall be valid for a term of 20 years, unless modified.

(g) Compliance.—The Secretary shall not approve and shall suspend all plans of operations if a claimant fails to comply with the environmental protection requirements of this Act, the terms of an approved Plan, or other applicable laws, rules or regulations.

Section 203: Land use planning:

(a) Plan Preparation.—The Secretaries of Agriculture and Interior shall develop, maintain, and revise land use plans to address mineral activities. The Secretary is authorized to prohibit, restrict, or condition mineral activities when in conflict with other plan objectives or management decisions.

(b) Criteria.—The Secretary shall consider the location, nature and extent of mineral deposits and existing mineral activities; their development potential; and evaluation of non-mineral resources and values affected by mineral activity; evaluation of the prospects for reclamation; and special areas where mineral activities should be prohibited, conditioned, or restricted.

(c) Plan Amendment.—Land use plans may be amended without initiating a new land use planning cycle.

(d) Schedule.—The Secretary shall review existing land use plans within 90 days of enactment and publish a schedule for amending existing land use plans. All required amendments shall be completed with six years of enactment.

(e) Consistency with Plans.—Self explanatory.

Section 204: Reclamation:

(a) In General.—The mining area shall be reclaimed to the same level of productive uses that existed prior to any mineral activity or a higher or better use that's likely to be achieved. Reclamation shall be conducted concurrently with operation to the maximum extent feasible.

(b) Standards.—Protection and replacement of topsoil, maintenance of stability of all slopes and soils, revegetation using native species, backfilling and grading to the approximate original contour, sealing of all tunnels, portals and shaft collars, prevention of acid mine drainage, minimization of hydrologic disturbance, detoxification of all hazardous materials, erosion control structures, and removal of all structures, equipment and materials.

(c) Commencement.—Operator shall commence reclamation in 90 days or submit an amendment to Plan of Operations for a 5 yr. interim management period. Any operation idle for 1 yr. w/o approval of interim management plan shall be considered abandoned and operator shall immediately start reclamation.

Section 205: Financial guarantees:

(a) Standards.—The Secretary shall establish adequate financial guarantees to ensure

complete and timely reclamation. Bonds will be established prior to any mineral activities causing more than a minimal disturbance.

(b) Minimum Amount.—The Secretary shall establish minimum bond amounts: No less than \$5,000/acre for regular mineral activities; no less than \$10,000/acre for cyanide heap leaching operations.

(c) Review.—The Secretary shall review for sufficiency every five years.

(d) Phased Bonding.—Bonds may be reduced proportionately upon determination that a portion of reclamation has been completed.

(e) Bond Release.—Bonds shall not be released until reclamation is completed. The Secretary shall provide 30 days public notice prior to any reduction or release of bond.

Section 206: Inspection:

(a) Inspections.—The Secretary shall make inspections of mineral activities to ensure compliance with requirements of this Act. Inspection shall occur at the minimum on a quarterly basis. Any person affected by mineral activities may notify the Secretary in writing of a violation.

(b) Notice of Violation.—The Secretary shall issue a notice of violation to a claim holder found violating requirements of this section. The notice shall describe the violation and corrective measures to be taken. The Secretary shall provide a claim holder with a reasonable period of time to abate the violation.

Section 207: Enforcement:

(a) Cessation of Activities.—If after a reasonable period of time a violation has not been abated, the Secretary shall immediately stop mineral activities that threaten the health and safety of the public or are found to endanger the environment.

(b) Effect of Order.—Activities shall remain stopped until the Secretary determines the violation has been abated. The Secretary shall determine steps necessary to correct the violation. Claim holders are entitled to a hearing on the record.

(c) Compliance.—The Secretary shall use enforcement personnel from the Office of Surface Mining Reclamation and Enforcement to augment personnel from the BLM and the FS.

(d) Civil Penalties.—Any person who fails to comply with any provision of this Act, or any regulation ordered under this Act, shall be liable for a civil penalty of not more than \$5,000/day. A penalty shall not be assessed until the person has been given a hearing.

(e) Criminal Penalties.—Any person who knowingly and willfully violates any provision or regulation of this Act; makes a false statement or representation; or tampers with a monitoring device or method of record shall be punished by a fine not more than \$100,000 or imprisonment for not more than five years.

(f) Liability of Corporate Officers and Agents for Violations by Corporation.—Self explanatory.

(g) Concurrent and Cumulative Nature of Penalties.—Self explanatory.

(h) Actions for Relief.—At the request of the Secretary, the Attorney General is authorized to institute a civil action to enforce any provision or regulation of this Act.

(i) Prohibition.—The Secretary may prohibit violators from future claim location under this Act.

Section 208: Citizen suits.

(a) Civil Actions.—Any person having an interest or adversely affected may commence a civil action to force compliance with this Act. The district courts have jurisdiction in controversy or the citizenship of the parties.

- (b) Notice.—Self explanatory.
- (c) Right of the Secretary to Intervene.—Self explanatory.
- (d) Costs.—Self explanatory.
- (e) Other Rights.—Self explanatory.

TITLE III—HARDROCK ABANDONED MINE RECLAMATION FUND

Section 301: Abandoned hardrock mine reclamation:

- (a) Establishment.—Self explanatory.
- (b) Amounts.—Monies shall consist of royalty receipts, donations and other sources.

Section 302: Use and objectives of the fund.

- (a) Uses.—Monies are to be used for reclamation and restoration of land and water resources adversely affected by past hardrock mining.

(b) Priorities.—Expenditures from the Fund shall be directed in priority to: protect public health, safety, general welfare, and property from extreme danger or adverse effects; and restoration of land and water resources previously degraded by past hardrock mining practices.

Section 303: Eligible areas.

- (a) Eligibility.—Lands and waters eligible for Fund expenditures include areas that were mined for hardrock minerals and lands for which there is no continuing reclamation responsibility under State and Federal laws. Eligibility is also limited to certain federal lands which were mined prior to August 28, 1973 (for F.S. lands) and November 26, 1980 (for BLM lands).

(b) Specific Sites and Areas Not Eligible.—Sites and areas designated for remedial action under the Uranium Mill Tailings Radiation Control Act, CERCLA or SMCR are not eligible.

Section 304: Fund allocation and expenditures:

- (a) Allocations.—Funds shall be distributed by Secretary on annual basis in the form of grants to States or direct Federal expenditures. Funds shall be distributed by need.

(b) Direct Federal Expenditures.—Funds may be expended directly where a State is not eligible or where reclamation would best be accomplished otherwise.

Section 305: State reclamation programs:

- (a) Eligible States.—To be eligible, States must contain lands and waters eligible for reclamation; have developed an inventory of these areas; and have an established State abandoned hardrock mine reclamation program (AHMRP).

(b) Monitoring.—Self explanatory.

(c) State Programs.—The Secretary shall approve State HMRPs based on the ability and necessary legislation to implement provisions of this title. States shall not be liable for costs or damages under Federal law as a result of action taken or omitted in carrying out an HMRP. Liability, however, is not precluded in the case of gross negligence or intentional misconduct.

Section 306: Authorization of appropriations; termination:

- (a) Authorization of Appropriations.—Amounts credited to Fund are to be appropriated without fiscal year limitations.

(b) The Fund shall terminate September 30, 2007.

(c) Rulemaking.—Self explanatory.

TITLE IV—HARDROCK MINING IMPACT ASSISTANCE TRUST FUND

Section 401: Trust fund:

- (a) Establishment.—Fund shall consist of amounts derived from royalty and any donations.

(b) Investment.—The Secretary of the Treasury shall invest amounts not required to meet current expenditures in public debt

securities. The income from such investments shall be credited to, and form a part of, the Fund.

Section 402: Annual grants to eligible states:

- (a) Eligible States.—Any state with hardrock mining within its boundaries. Monies shall be made available on an annual basis by the Secretary in the form of grants.

(b) County and Community Impact Assistance.—States, as determined by their legislature, shall give direct priority to those subdivisions socially or economically impacted by hardrock mining.

Section 403: Use of funds:

- (a) Expenditures.—Grants made eligible to States shall be used to help communities mitigate the impacts associated with hardrock mining. Priority should be given to: projects repairing or replacing water facilities or supply; projects to repair and maintain roads adversely affected by mining; the construction and maintenance of public schools or other educational institutions; and the operation of law enforcement, fire suppression or other essential public services. Funds may not be used to pay any costs which a mine owner or operator is liable for.

(b) Cost Sharing.—Funds may be used for the State-match share of any federal project or program.

Section 404: Authorization of appropriations; rulemaking.

- (a) Authorization of Appropriations.—Self explanatory.

(b) Rulemaking.—Self explanatory.

TITLE V—SAVINGS AND ADMINISTRATIVE PROVISIONS.

Section 501: Claim and patent limitations.

- (a) Effective Date.—A claim may be located, recorded and maintained after the effective date only in accordance with this Act.

(b) Patents.—No patents shall be issued after June 11, 1991 except for claims which already have a patent application pending.

Section 502: Existing claims.

- (a) Surface Management Rules.—After effective date, all claims made under the 1872 Act shall be subject to title II of this Act.

(b) Conversion.—Claim holders will have the exclusive right to convert the claim.

(c) Unconverted Claims.—Claims not converted after three years from the date of enactment shall be deemed abandoned.

(d) Interim Period.—During this three year period, no claim shall be recorded on a valid claim.

(e) Closed Lands.—Self explanatory.

(f) Mill Site Claims.—After the effective date, a mill site claim holder may apply for a surface use permit. Three years after effective date, a mill site claim without a surface use permit shall be deemed abandoned. During this three year period, no application for a mill site surface use permit shall be recorded on a valid mill site claim.

Section 503: Mineral materials amendments.

- (a) Act of July 31, 1947.—eliminates "uncommon varieties" loophole.

(b) Conversion.—All claims asserted to have distinct and special value prior to enactment shall be extinguished, unless within three years the claimant is producing material in commercial quantities or the claimant files a plan of operations.

(c) Claims Located Prior to Enactment.—As of the effective date, all claims asserted to have distinct and special value shall be subject to Title II of this Act.

(d) Repeal.—Repeals the Building Stone Act and the Saline Placer Act.

(e) Mineral Materials Disposal Clarification.—Self explanatory.

Section 504: Savings clause.

Nothing in this Act shall preempt existing Federal or State laws or regs. found to provide greater protection, higher bonding amounts, or more stringent reclamation standards than this Act.

Section 505: Administrative provisions.

(a) Jurisdiction.—Secretary of Agriculture shall have full authority to implement this Act on national forest lands.

(b) Administration.—The Secretaries of Agriculture and Interior shall consult and cooperate to implement this Act.

(c) Regulations.—The Secretaries of Agriculture and Interior shall jointly issue necessary regulations.

(d) User Fees.—The Secretary shall collect whatever user fees are necessary to reimburse the U.S. for expenses incurred in administering this Act.

(e) Repealer.—The Mining Law of 1872 and the filing requirements of section 314 of FLPMA are hereby repealed four years after date of enactment.

(f) Cooperation With States.—The Secretary may enter into cooperative agreements with any State to carry out this Act.

(g) Public Availability.—All information submitted to Secretary shall be available to the public subject to the Toxic Substances Control Act, except for documents vital to the security of the industry.

INTRODUCTION OF NATIONAL NURSES WEEK

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Ms. PELOSI. Mr. Speaker, I am pleased to introduce today a bill that would designate the week of May 3, 1992, as "National Nurses Week."

For over 100 years, women and men in the nursing profession have made significant contributions to the health care of the people of the United States. We find nurses in hospitals, nursing homes, extended care facilities, public health clinics, rehabilitation hospitals, and physicians' offices; all of whom adhere to high standards of quality health care and provide personalized and cost-effective health care and support for patients.

As our country faces a health care crisis, nurses are on the front line of duty. They continue to serve and help those in need and work with doctors, legislators, and organizations to help develop a new national health care policy. Nurses are also advocates for important issues such as the health and safety of medical professionals, health care financing, child care, and nursing recruitment.

I believe it is important that the Congress designate the week of May 3, 1992, as National Nurses Week, so that all of America can pay tribute to nurses who continue to dedicate their lives to helping others.

PETER J. MILLER: IN MEMORIAM

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. HYDE. Mr. Speaker, very recently, Peter J. Miller passed away at the age of 81. He was a widely respected Republican who served in the Illinois General Assembly for many successful years, both in the house of representatives and in the senate.

He was a leader in every sense of the term, and his close ties to organized labor uniquely qualified him to build understanding and support for those policies that he so fervently advocated.

He was a great friend to have on your side. In 1972, he had won his primary election for state representative and when he learned that I had lost my primary election he stepped aside so I could be named in his place to run in the neighboring district. This was an act of political sacrifice of unequalled generosity, and permitted me to be reelected to the Illinois House and, 2 years later to be elected to Congress. I shall be eternally grateful, and, like his countless friends and his loving family, including his devoted wife, Eleanor, and his five daughters, we will miss him. We are all confident however, that he is in heaven, with a poll sheet, organizing the angels and the saints to vote Republican.

FORMER GOP LAWMAKER, COACH PETER J. MILLER, 81

(By Jerry Crimmins)

Peter J. Miller, 81, who served in the Illinois General Assembly for 22 years, was also coach of the U.S. Olympic speed-skating team in 1940 and 1948 and was twice secretary of the state Athletic Commission. Mr. Miller died Tuesday in Alexian Brothers Hospital, Elk Grove Village.

Mr. Miller, a conservative Republican and popular vote-getter from the Northwest Side, has a tumultuous legislative career, serving eight years in the Senate and 14 years in the House.

He ended his career in an almost unparalleled way, sacrificing his House seat in 1972 to make a place for Henry Hyde, the majority leader of the House who had been defeated in primary elections after his district was redrawn.

First elected to the Illinois Senate in 1946, Mr. Miller was known as a reformer, and in the 1950s he became a foe of the notorious West Side bloc, a group of nominally Republican state legislators who often voted with the Democrats and who voted against anti-crime bills.

But in 1964, Richard B. Ogilvie, then Cook County sheriff and later governor, and Charles Percy, then GOP gubernatorial candidate, accused Mr. Miller of being a member of the West Side bloc. The state GOP that year purged six Republican legislators from their ranks, including Mr. Miller, and nominated replacements for them in the 1964 election. Mr. Miller strenuously declared his innocence.

In 1968, Mr. Miller was back in the legislature again, and the GOP Cook County central committee, with the approval of Ogilvie, restored Mr. Miller to his former status in the party.

During his political career, Mr. Miller pushed for reforms in the Municipal Tuber-

culosis Sanitarium in his district and in state mental hospitals and state prisons. He sponsored the law that brought daylight-saving time to Illinois and worked for reforms in the insurance industry.

Mr. Miller, lately of Wood Dale, is survived by his wife, Eleanor; five daughters, Mary Lou Traxler, Barbara Matassa, Carolyn Miller Kulie, a member of the Du Page County Board, Ann Marie Mau and GERALYN Miller Conney; seven grandchildren; five great-grandchildren, a brother, and a sister.

HOME OWNERSHIP**HON. CHARLES A. HAYES**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. HAYES of Illinois. Mr. Speaker, I rise today in opposition to the Kolby-Espy amendment to the VA/HUD appropriations bill. I rise against this amendment because, if passed, it would mean cutting section 8 programs and other low-income housing assistance programs.

Mr. Speaker, I am one that has always been concerned about the plight of public housing in this country, particularly those public housing residents in my own district. My concern stems from my fear that the Federal Government is trying to pull away from its commitment to public housing in this country. This philosophy began with the Reagan administration and has carried over to the present administration, and the HOPE Program is a major component of the formula to end public housing. While I am all for homeownership, I have serious reservations when it costs the Government millions of dollars and displaces thousands of public housing residents. I believe that funds could be used to improve conditions at existing public housing complexes rather than spending it on so-called home ownership. HUD's own inspector general concurs, "Improvement of the housing conditions of low-income tenants may be a more attainable and desirable goal than home ownership."

In Chicago, for example, the majority of public housing tenants are on welfare and are barely making ends meet, and a significant number are elderly and living on fixed incomes. These public housing tenants are not likely to be in the market for buying homes. I fear for the future of public housing because there is still substantial denial about the problems that tenants face. I believe that home ownership should be attained by public housing residents, but it must be approached with honesty and not an illusion as set forth by HOPE.

Before we commit to new housing programs, we need a major push to solve the existing housing problems. The plight of those who are struggling to find housing seems not to be high on the Nation's priority list. When I look at the conditions of housing units and when I see the homeless on the streets, it saddens me. But what saddens me even more is the trickery of the Bush administration as it relates to public housing. It is not enough for the President to speak of empowerment and home ownership, he should act on his words

and act now. I appeal to my colleagues to defeat this amendment and work on making the existing programs work.

ARCHIBALD W. SINGHAM**HON. MERVYN M. DYMALLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. DYMALLY. Mr. Speaker, I rise today in tribute to Dr. Archibald W. Singham, educator, scholar, and activist. Dr. Singham lost his 2½-year battle with cancer in March, but his legacy lives on, and his accomplishments will never be forgotten.

Archibald W. Singham was born in Rangoon, Burma, in 1932. He came to the United States to attend Wesleyan University on scholarship, and earned his Ph.D. in political science from the University of Michigan. As founding member of the social science department at the University of the West Indies in Mona, Jamaica, he specialized in Caribbean politics. Along with others, Singham traveled, lectured and began to develop a pan-West Indian perspective. His publications became part of the foundation of contemporary Caribbean studies. In the crucial first years of West Indian independence, Singham helped develop a cadre of indigenous political and intellectual leaders.

Dr. Singham returned to the University of Michigan in the early seventies for a joint appointment with the departments of political science, anthropology, and Afro-American studies. Always the scholar-activist, he participated in the movement to open university doors to more African-Americans, women and working class students. Singham was invited to join the political science department at Howard University from 1972 to 1978. Here, he expanded his work into African studies and worked actively with the Congressional Black Caucus on Capitol Hill. He then married Shirley Hune, and together they began an extensive study of the Nonaligned Movement, a coalition of small- to middle-sized Third World states, most of which were former colonies.

An appointment to Brooklyn College in 1978 allowed Singham to become involved with the United Nations, as a consultant to U.N. agencies, including the Council for Namibia, and the Institute for Disarmament Research.

During the years of the cold war, he carried out research on the nonaligned movement with the United Nations, research that would give those countries a greater role in global decisionmaking, disarmament, political independence, economic and cultural equality.

Recently, Singham turned his attention to domestic and global violence. Disturbed by conditions in America's cities and the legacy of regional conflicts, racial, ethnic and religious differences, he was invited by the Center on the Study of Violence and Human Survival to participate as a senior fellow. One of his last projects was supervising a group of graduate students to study ethnic conflict in New York neighborhoods and recommend solutions for racial and ethnic tensions there.

Singham was as happy to speak in neighborhood forums, on local radio and television,

as he was to participate in international media and on the editorial boards of national publications, including the boards of Social and Economic Studies and the Nation. His analyses of global situations and crises were highly valued by world leaders. Even during Singham's gallant battle with cancer, he turned his attention to economic and gender inequality in the medical care system.

Archibald Singham remains with us through his students and through everyone who shares his vision of world peace, social justice, and human dignity.

A TRIBUTE TO MSGR. PAUL F. BRADLEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, June 9, 1991, I had the distinct honor and high privilege of taking part in a tribute to Msgr. Paul F. Bradley on the occasion of the 50th anniversary of his ordination into the priesthood.

Monsignor Bradley served with distinction, dedication and compassion in the highest tradition of his vocation for some 20 years as the Pastor of St. Michael's Roman Catholic Church in the community of West End in Long Branch, NJ, retiring from the active priesthood in 1989. Prior to his service with St. Michael's, Monsignor Bradley served as a Navy chaplain between the years 1941 and 1969.

Mr. Speaker, as a native and current resident of Long Beach, I have long considered Monsignor Bradley an integral part of our community. The monsignor has never failed in his obligation to be a source of inspiration, faith and strength to the parishioners of St. Michael's. He has also extended his concerns to the larger community, taking an active role in public affairs and being a forceful and articulate voice on behalf of church teaching.

Thus, Mr. Speaker, it was a great source of joy to join with the family and many friends of Monsignor Bradley in marking this tremendous milestone in his life and in the life of the community that he has so profoundly touched.

EXTENSIONS OF REMARKS

TROOPER RUSSELL BAGSHAW
KILLED IN DIRECT LINE OF DUTY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Ms. KENNELLY. Mr. Speaker, I rise today to call my colleagues' attention to the tragic slaying of a 28-year-old State trooper in my home State of Connecticut.

Trooper Russell Bagshaw was killed early Wednesday morning, June 5, in the direct line of duty. He died in a hail of gunfire when he was ambushed in his cruiser while investigating a suspected robbery at a local gun store. Russell Bagshaw is the first trooper to die in active duty since 1962, the year in which he was born.

Russell is a true American hero. Today, we salute the warriors returning successfully home from Operation Desert Storm. But at the same time, we must be equally proud of those who fight the battles for safety in America's streets. I call on my colleagues today to join me in paying tribute to all of the dedicated State troopers who day in and day out risk their lives in the pursuit of a safer America.

Russell Bagshaw's death will serve as a constant reminder of the sacrifices Americans and their families make each day while carrying out their duties as police officers. He is a role model and a hero we can all be proud of.

This past Saturday more than 5,000 officers of the law from all over the country joined together to pay tribute to the life and career of Russell Bagshaw. They were joined by his wife of less than 1 year, Carol, his twin brother Robert, another brother Kenneth, his father Harold, and many loving friends and neighbors.

While no one can do anything to lessen the pain of their loss, I can offer them my deepest sympathies and assure them that Russell's contributions and memory will not be forgotten.

Mr. Speaker, it is with both sadness and pride that I share with you the death of State Trooper Russell Bagshaw. I hope you will all join me in wishing his loved ones the strength they require to overcome their loss. God bless Trooper Russell Bagshaw. His bravery, courage, and goodness will never be forgotten by his community and his State.

June 11, 1991

ALBERT GREENFELD, 1991
KODIMOH BROTHERHOOD HUMANITARIAN AWARD WINNER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor to announce Mr. Albert Greenfeld of Longmeadow, MA, as the recipient of the 1991 Kodimoh Brotherhood Humanitarian Award. Mr. Greenfeld will be presented with this prestigious honor at a dinner on June 18, 1991.

A native of Hartford, CT, Albert Greenfeld moved with his family to Brooklyn, NY. Al went on to New York University's College of Engineering and earned a B.S. degree in civil engineering in 1942. Called to active duty in April of that same year, Mr. Greenfeld served in the combat engineer unit attached to General Patton's 3d Army until 1946. For his service to his country, Al was awarded the European Theater of Operations ribbon with five battle stars. Al retired from the Active Reserve as an instructor of the 1049th U.S. Army School with the grade of lieutenant colonel in 1963.

After working as a junior engineer at Turner Construction in New York, Al met his wonderful wife, Eileen, and decided to move to the Springfield area. In 1955, Al Greenfeld with his brother-in-law, David Levi went into the supermarket business with the Big 11 organization, later known as Food Basket Stores operating 7 supermarkets and 20 convenient stores.

The Greenfelds joined the Kodimoh as full members in 1960, and have been active in various projects. Eileen has served for many years on the sisterhood executive board. Al has served on the Kodimoh Board as assistant treasurer, treasurer, finance chairman, and house chairman. Since 1974, both Eileen and Al have been extensively involved in the operation of bingo.

Since his retirement, Al continues to be extremely busy at Kodimoh, volunteering substantial time and effort day in, day out. He also works 1 day a week in the pathology department lab at Baystate Hospital and also volunteers time with SCORE, a division of the Small Business Administration of the U.S. Government.

Mr. Speaker, it is a rare man who can give so much to his country, his religion, and his community. The entire Springfield area is blessed by having such a man as Al Greenfeld.